App. F. IX-4

1933
(Law)

(130)

File No. 30-33
Serial Nos. 1 - 13

Previous References
MWR 201-25-1-10
" 256-31-1-8
Law 140-32-1-3

Letter References
Law 18-39 (11, 12)

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 13

Part B for April 1938

SUBJECT.

C.S. 1/33-34 on the file of the Dt-Judge, Shimoga. (Kasaravalli Nagappiah Vs Govt.)

Sl. 13 to the MWR Comms
No. 5964 dt 28-4-38

WD 0295—GPB—22,500—13-8-37

State that this is not a fit case for taking in appeal.

31/5/38

G. R. S. APP. F. III—1] 1933

GENERAL AND REVENUE SECRETARIAT.

(Law)

NOTES.

File No. 30-33

FILE HEADING.

O.S. 1 of 1933-34 on the file of the Dist. Judge Shimoga (Kasaravalli Nagappaya vs Govt of Mysore)

FROM

The Dt. Judge: Shimoga

No. XX 378/3 Dated 1.9.33 Received 4.9.33

Diary No. 1348	Enclos.	Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER

Forwards Summons in the above case for due Service and return

NOTES AND ORDERS.

Date of Hgs
16.10.33

1) Law. file relating to the notice issued by on behalf of the pltf in the present suit is put up. This is a suit for Cancellation of resumption of certain lands bearing S.No. 9, 11, 27 of Alagi village, Shiralakalli Tk to one Subrahmanya Devaru at Kasaravalli Meline Agrahara. Summons in original may be returned with due endorsement of service that the Dt. Shimoga may be instructed to appear for the 1st and 2nd defts the following dfts are sued for appln

Dft I — Dt. Judge Shimoga

" II — Govt of Mysore

" III —

2) Issue

ISD 7/9

NOTES—First Sheet

WD 69—GBPM—5,900—14-7-33

13 Cases

(2)

File No. of 193 | General and Revenue Secretariat

To,

The Dt. Judge. Shimoga
no. P. 1308 d 15.9.33 returning the notice in original with due endorsement of service thereon.

The Pbr. Shimoga
no. P. 1309 d 15.9.33 instructing him to appear in the above case.

The Mys. Comm^r
no. P. 1310 d 15.9.33 Calling for the records Connected with the Case

From,

The Mys. Comm^r
No. 448/33-34 d 17th Oct 1933 forwarding the entire records received from the DC. Shimoga and requesting in the Circumstances stated sanction of Govt to defend the suit, and to place a sum of Rs 100/- at the disposal of the DC. to meet the Expenditure Connected with the Case out of temple funds.

3) This suit for Cancellation of resumption of certain lands bearing S. nos 9, 12 & 27 of Algeri village, Thirthahalli Tk. Facts of the Case are briefly narrated in the DC's note. The defence of the Suit has to be sanctioned, expenses being met out of the temple funds as proposed by the Mys. Comm^r. A Sum of

Secs A
16/9.

Pr. report d 8.10.33 from the Pbr. Shimoga intimating that the Case stands posted to 16.10.33

O.S. 1/33-34 Dr. ex Shenoy. (3)
20612

General and Revenue Secretariat — Law File No. 30 of 1939. [App. F. III—2

Serial No.

Rs 2508-6-7 is said to be available at the credit of the temple of Sri Subramanyaswami at Kasaragod. The entire record received from the Munsiff may be sent to the Addl. Shenoy for drafting a w. s.

GENERAL 21 OCT. 1933 No

Subm. with a draft G.O. sanctioning the defence of the suit.

LSD 19/10.

4) This is a suit the defence of which has to be sanctioned in the interests of the Mun Instn as already ordered in the subject file placed below (Law 40 of 1932)

Draft G.O put up may be approved.

Genl Secy)

II Member.

DMP 24/10

Ld 23/10

DMP 23/10

2376 23/10

TYPING SECTION 24 OCT. 1933 4-30 P.M. GENL. & REV. SECT.

JM 23/10

DMP 24/10

Issued DMP 24/10.

G.O. no. P. 1883-86 Law 30-33-6 dt 26-10-33 sanctioning the defence of the suit.

NOTE—Contn. Sheet.

O.S. 1/33-34 – Dt. Ct. Shimoga

2187 (4

Law File No. of 1933.

General and Revenue Secretariat

From,

The Pr. Shimoga

no. 173 d 25.10.33 forwarding for Signature of the Ch. Secy a Vakalat to be filed in the above case.

1) This may be submitted to the Ch. Secy for favour of Signature to the Vakalat.

ISD 26/10.

(Chief Secy) ... 26/10

Pr's letter d 22.10.33 intimates that the case stands posted to 4.11.33

RJ 2/11/33

Dr

1) Dft returning papers

ISD 3/11

8) Signed 3/11

Issued no. G. 1073 d 8.11.33.

TYPING SECTION 4. NOV. 1933 GENL. & REV SECT.

From;

The Pr. Shimoga

Sec 9/11/33

no. 521 d 4.4.34 forwarding for appln of Govt the w.st. to be filed in the above Case.

9) The Suit is for Cancellation of the G.O. resuming certain lands of Aliyas Village, Thirthahalli Taluk. In Para 9 of the w.st. the Plea was Civil Ct have no Jurisdiction to entertain the Suit and

Serial No.

Reg[t] VII of '27, and under Reg[t] VII '33, is raised
the O.S. is sub[d] for appl[n]

ISD 24/4

10) The Law Rte relating police service & other secret records sent to the Pl[r] may be got back for refce.

XX

ppd 3/5/34

11) Dft follow up accordingly

ISD 3/5

TYPING SECTION. 4. MAY 1934 GENL & REV. SEC.

12) Issue ppd 3/5

Issued no. P. 5069 d 4.5.34

From.

The Mys Comm[r]

no. 4440/33-34 d 5.5.34 forwarding for appl[n] a c/s of the dft O.S. to be filed on behalf of the 3rd deft in the above case.

13) Records called for from the Pl[r]. Shimoga will be awaited.

ISD 7/5

14) The case is for 14-5-34 - the recds have to be obtained early in time.

ppd 7.5.34

15) Dft R[r] sub[d]

ISD 10/5

16) Issue today ppd 10/5

Issued no. P. 5175 d 10.5.34 C/s to the Mys. Comm[r]

Sec A 11/5/34

Sec A 10/5/34 TYPING SECTION. 10 MAY 1934 GENL & REV. SEC.

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31.

O.S. 1/33-34 — Dr. ex. Shimoga (Krishnappa vs Govt)

6120

(6

Law File No. of 1933 | General and Revenue Secretariat

Draft

... the Ppr. Shimoga ...
no. one d 15.5.34 forwarding the
Connected records and intimating that
the Suit has been posted to 9.6.34
for filing the defence.

17) W. Statements proposed to be filed on behalf of the 1st & 2nd defts are the same.
Sub? for appl? vide ref? to para 9-10 Supra

Draft of Hg 9.6.34

TSD 17/5

18) The written statements proposed on behalf of the 2nd defts namely the D.C Shimoga, is the same as that proposed on behalf of Govt. One statement may therefore be filed common to both the Defendants.

19) The statements as drafted by the Ppr appear to be suitable & may be approved after Scrutiny by the Govt advocate also.

(Sd) HRG
21/5/34

2. O.No. P 238/32 dated 22nd May 1934

Govt. advocate with compliments.

GOVT. ADVOCATE'S OFFICE 22 MAY 34 BANGALORE

Asst.
21.5.34

HRG
22/5

J. No. 899/ms 22.5.34

21) Returned with Compliments.

U.O.No. 1501/ms 28.5.34

O.S. 1/33 Proceedings (7

General and Revenue Secretariat | File No. 1 30 of 1933. | [App. F. III—2

Serial No.

The draft Statement is all right and may be adopted.

V. Bhagavan Nair
28. 5. 34.

Secretary

Secretary (Secret member)

28/5

22) 30/5

30.5.34

Dft returning
31/5

23) Dft returning sanction for appt.
Same may be submitted to Hon. Secretary for favour of signature to the W.S.

31/5

24) The W.S. may be got typed in 3 copies as usual - The one to be filed in Court ought to be on Thick paper

31/5/34

Typing Section)

25) Typed copies of the W.S. are put up.

26) for favour of signature

Chief Secy)

27) R2 1/6/34
5/6/34

28) Issue as requested
5/6

NOTE—Contn. Sheet.

TYPING SECTION. 3-45 p.m. MAY 1934 GENL. & REV. SECTT.
TYPING SECTION. 5. JUN. 1934 GENL. & REV. SECTT.
28 MAY 1934

W.J. 01536—GPB—7,500—5-4-34

O.S. 1/33-34 — Dt. Ct. Shimoga. Rs 8410/-

(Kasarvalli Nagappiah vs Gopi)

(6

File No. Law 30 of 1933.

General and Revenue Secretariat

To,

The P.Pr. Shimoga

No. P. 5377 d 7.6.34 returning the W.S. duly approved.

Sec 8/6/34

From

The P. Pr.

Shimoga

Letter no 735, dated 14-1-38

States that he has ~~forwarded~~ on 12-2-38 the copy of the judgment and decree with the connected records to the D.C., Shimoga with his opinion to file an appeal before the High Court.

29) The D. C. Shimoga has not made any reference so far. If approved this file be kept in Sec for a week pending receipt of the D.C's report, after which a reminder will be issued to him.

Sec B (23-2-38) 17-2-38

30) Yes BKR 17.2

17/2

31) A reminder to the D.C. is put up.

22/2

32) Issue BKR 22.2

[Did not issue as the report has since been received.]

O. S. 1/33-34 of Dt. Ct. Shimoga
(Kasaravalli Nagappiah vs Govt.)

— Appeal —

9.

General and Revenue Secretariat

Law File No. 30 of 1933. [App. F. III—2

Serial No.

From

The Muz: Commr.

Letter no. C 440/33-34, dated 21-2-34

Forwards the certified copy of the judgment and decree passed in the case, and states that the P. Pr. Shimoga is of opinion that this is a fit case for filing an appeal, and solicits instructions in the matter.

2) O. S. No. 1/33-34 was a suit filed for cancellation of the G. O. directing the resumption of certain lands in Tirthahalli Taluk and for declaration of Plaintiff's title thereto etc. The learned judge has dismissed the suit with costs against Govt., the 1st defendant, and has decreed it as against the Dist. Muz: officer (vide copy of judgment flagged K).

flag k.

3) The P. Pr. Shimoga in his letter to the Dc Shimoga (flag I) has enumerated the grounds for considering this as a fit case for filing an appeal.

4) The Muz: Commr. seeks instructions in the matter.

5) Govt. Advocate may perhaps be consulted in the matter. Submitted for orders.

Appeal time expires by about 1st May '34

NOTE—Contn. Sheet.

23/2

WD 0281—GPB—30,000—13-8-37

O. S. 1/33-34 Dt. ch Shimoga 4840 4973 (10)
(Kasarvalli Nyapplah vs Govt)
— Appeal —

File No. Law 30 of 1933. | General and Revenue Secretariat

37 Govt. Advocate may be consulted about the advisability or otherwise of filing an appeal.

BKR 25-2
Gen. Secy 25/2

GENERAL SECRETARY
25 FEB. 1938
4859

38) Forwarded, with compliments, to the Govt. Advocate, for favour of advice regarding the advisability or otherwise of filing an appeal

BKRamakrishnaiya a/
25.2.38 for Gen. Secy

E(1)70/102
37-38
Adv 642/37-38
dt 25.2.38

40) Returned with compliments.

(1) Two points arise for consideration; one, a question of fact whether or not the temple has any property in S. No. 9, 12 and 27 and secondly whether the suit is cognisable by a Civil Court.

(2) Regarding the latter point, the Government were pleased to approve of the opinion of the Assistant Secretary, (Law) given on 14-5-1933 (vide page 3 of the Notes in file No. Law. 140-32/Sls. 1-3 to the effectthat "this is a dispute which is cognisable by a Civil Court .....". That is the finding of the learned District Judge also so far as the Muzrai Officer, Deft. No. 2, is concerned. This opinion of both the officers as approved by the Government is, if I may say so with respect to them, correct and therefore, it requires no further discussion

No. no. 1354
37-38
dt 20.4.38

4973

Appeal against the decree passed in O.S. No 1/33-34 on the file of the Dist. Judge, Shimoga (Kasarvalli Nagappiah vs Govt. & others)

Law File No 30 of 1938

discussion at this stage.

(3) The other wuestion, viz., whether or not the land in dispute is the property of the temple has also been fully discussed by the learned District Judge, and his finding, if I may again say so with respect to him, is correct.

(5) The land comprised in the grant proper is in S. No. 1 and 2 which is admittedly in the enjoyment of the temple. Regarding the excess, what goes by the name of 'Chor Inam', even there the temple as a Vrittidar has got its pro-rata share. Consequently, it cannot further be allowed to cut into a similar pro-rata allotment that fell to the shares of its co-vrittidars. The relevant observation in the Judgment of the learned District Judge is as follows:-

> ".....Entire share of Subrahmanya Devaru under Jari Manya as well as Chora Manya had been localised in Kowlany Thundu maji number 5 which subsequently became Survey Numbers 1 and 2 and the temple has got a survey extent corresponding to the Bijavari extent".

(6) The facts being so, I do not think it is worthwhile involving the temple in further expenditure of which the charges for printing the records which has got to be done in all civil appeals before the High Court will be, by no means inconcisderable in view of their great bulk.

GENERAL SECTION 20 APR. 1938 Inw 6099

OFFICE OF THE FIRST MEMBER OF COUNCIL 21 1938 H. No. 7489

Mirle. Manjunatha Rao
Government Advocate.

Appeal time expires by about 1st May '38.

41) The Govt Advocate is of opinion that This is not a fit case for appeal & his views may be accepted. Jur orders

42) Inw 2074 20.4.38

Gen. Secy) 22/4 Inw 25/4 21.4

First Member)

Appeal against the decree passed in (12
O.S. No. 1/33-34 Dt. ct. Shimoga 4840
(Kasarvalli Nagappiah & Govt.) 4973

General and Revenue Secretariat | File No. Law 30 of 1937. | [App. F. III—2

Serial No.

Subd with a draft to the Mysg. Commr intimating that this is not a fit case for appeal.

B
26/4

Jdshe
BMR
26.4

To

The Mysg. Commr

Letter No. P 5964, dy 28-4-38

Shalu that the Govt are advised that this is not a fit case for appeal.

B
28-4-38

NOTE—Contn. Sheet.

WD 0417--GP13—30,000-8-9-36

Civil

Form No. 105

X-
378 / 3 Index 8-9-33.

1348

Law 30-33-1 P

From The District Judge, Shimoga Division 7th Sept 1933.
Shimoga

To The Chief Secretary to the Govt of Mysore, Bangalore.

Law
8

Sir,

I have the honour to forward herewith the Defendant's Summons, in duplicate in Original Suit No. 1933-34 on the file of this Court and to request that you will be so good as to cause the duplicate to be served on ~~the individual therein named~~ yourself and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing. 16th October 1933

4/9/33

~~Return of Re.~~

~~is herewith sent, being~~

~~Witness Batta~~

I have the honor to be,

Sir,

Your most obedient servant.

District Judge Shi

WD 01184—GPB—5000—8-2-33

IN THE COURT OF THE DISTRICT JUDGE AT SHIMOGA.

Original Suit No.1 of 1933-34.

---

1. Kasaravalli Nagappiah son of Sannappiah.
2. Kasaravalli Naghabhushana Rao son of Nagappiah resident of Kasaravalli, Tirthahalli Taluk

Plaintiffs.

VERSUS

1. The Government of Mysore by its Chief Secretary, Bangalore.
2. The Deputy Commissioner & Muzrai Officer, Shimoga District, Shimoga.

Defendants.

TO the Government of Mysore by its Chief Secretary, Bangalore

WHEREAS the Plaintiff has instituted a suit against you for as per plaint copy h rein enclosed, you are hereby summoned to appear in this Court in person or by a pleader duly instructed, and able to answer all material questions relating to the suit, or who shall be ~~competent~~ accompanied by some person able to answer all such questions, on the 16th day of October 1933, at 11 o' clock in the forenoon, to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to reply in support of your defence.

Take notice that, in default of your appearance on the day beforementioned, the suit will be heard and determined in your absence.

Given under my hand the seal of the Court, this 7th day of Septr 1933.

"Copy."

vvk.2.

For General Secretary to Govt.

TSD

IN THE COURT OF THE DISTRICT JUDGE AT SHIMOGA

O.S.1 of 1933-34.

Plaintiffs:-

1. Kasaravalli Nagappiah son of Sannappiah age about 67 years.
2. Kasaravalli Nagabhushana Rao son of Nagappiah, aged about 27 years.

Brahmins, Landlords, residents of Kasaravalli, Tirthahalli Taluk.

Vs.

Defendants.-

1. The Government of Mysore by its Chief Secretary, Bangalore.
2. The Deputy Commissioner and Muzrai Officer, Shimoga District, Shimoga.

Under Order 7 Rule 1 C.P.C.

The Plaintiffs abovenamed beg to state as follows:-

1. The address of the plaintiffs is as stated above.

2. The lands described in the schedule S.Nos. 9, 12, 27 in the village of Alageri of Tirthahalli taluk are the ancestral properties of the plaintiffs. The plaintiffs have been in possession and enjoyment of these properties as owners from the time of their ancestors for nearly 200 years past. The plaintiffs' ancestors viz., Venkatanarayana Bhatta, son of Channakeshava Bhatta, purchased the said lands from Gangadariah, Subbiah and Visveswariah sons of Aswathiah. The previous owners of the said properties by means of a sale deed dated [illegible] and ever since that time these lands described therein fully in the schedule have been in the possession of the vendees i.e., the plaintiffs' ancestors and the possession has continue

continued in the family since then till now. But the defendants have now passed an order that the suit-lands belong to Sri Subramanya Devaru of Kasaravalli.

3. The said lands never formed the property of Sri Subramanya Devaru of Melina Agrahara of Kasaravalli and they were never in the enjoyment of the temple in any manner. The Inam Title Deed bears out this fact that these lands have never been gifted to the temple or the deity at any time.

4. According to the Inam vaivatdar's statement Sri Subramanya Devaru has for its endowment only ೨೮೭ ಎಕರೆ of "Kowlani ಕೌಲು " comprised of ೬೦ Gadyanas of wet ಒಣಸು and ೨೯೭ Gadyanas garden of 400 trees. The plaint schedule lands do not come under this description and do not constitute " ಶ್ರೀ. ಕೌಲು. " referred to above. The Muzrai Commissioner has observed in his order dated 12.2.1932 that the temple lands comprised in S.Nos. 1 and 2 were known as " ಶ್ರೀ. ಕೌಲು " and that the old Bijavari area of this land corresponds with the Survey area of S.Nos 1 and 2. The temple consequently has no right to any other lands as there is no reference to any other grant made to it.

5. The defendants did not hold any enquiry as is contemplated in Rules 10 and 19 of Regulation VII of 1927. The alienation in favour of the plaintiffs is very old and the long enjoyment of the properties by the plaintiffs and their ancestors for over 200 years as owners gives them a valid title by adverse possession as against every other person and the defendants cannot disturb the possession under the circumstances It is incorrect to say that plaintiffs or their ancestors possessed the properties on behalf of the temple as they were not its managers and had nothing to do with it. The order of the Muzrai Officers and the Department with regard to the schedule properties is against law, and void and is not binding on

5

on the plaintiffs. The plaintiffs and their ancestors being all along in open adverse possession as owners to the knowledge of every one, including the defendants are entitled to continue in undisturbed possession as such and the order of the Muzrai Officers and the Department is liable to be cancelled on the above and other grounds.

6. The cause of action arose within the jurisdiction of this Hon'ble Court on 1-2-1933 when the final order of the Muzrai Department was communicated to the plaintiffs and the properties are situate in the jurisdiction of this Hon'ble Court.

7. The Plaintiffs issued notices to the defendants on 2-5-1933 and also to the Sub Division Asst. Commissioner, Shimoga Sub Division and Amildar, Tirthahalli also as required by law and as no relief was given this suit is filed. The latter two are not made parties as the principal Muzrai Officer of the District, viz., 2nd defendant is made a party.

8. Court fee of Rs.50 is paid according to Section 11(b) of II Schedule of the Court Fee Regulation.

9. Reliefs claimed:-

(1) Plaintiffs pray that this Honourable Court may be pleased to declare that the orders of the Muzrai Department affecting the right and possession of the two plaintiffs be cancelled as they are against law and as the plaintiffs are absolute owners in enjoyment of the schedule properties and as they are not and do not form part of the properties endowed to Sri Subramanya Devaru, Vasarahalli, and to -- direct the defendants to pay the costs of this suit to the plaintiffs and to grant such other incidental reliefs to the plaintiffs as against the defendants that this Hon'ble

Court may deem fit, in the interests of justice, to do and to grant an injunction against the defendants from disturbing the possession of the plaintiffs also.

Schedule.

"Copy."

For General Secretary to Government.

TSD

vvk.2.

IN THE COURT OF THE DISTRICT JUDGE AT SHIMOGA.

O.S.1 of 1933-34.

Plaintiffs:-

1. Kasaravalli Nagappiah son of Sannappiah, age about 67 years.
2. Kasaravalli Nagabhushana Rao son of Nagappiah, aged about 27 years.

Brahmins, Landlords, residents of Kasaravalli, Tirthahalli Taluk.

Vs.

Defendants.-

1. The Government of Mysore by its Chief Secretary, Bangalore.
2. The Deputy Commissioner and Muzrai Officer, Shimoga District, Shimoga.

Under Order 7 Rule 1 C.P.C.

The Plaintiffs abovenamed beg to state as follows:-

1. The address of the plaintiffs is as stated above.

2. The lands described in the schedule S.Nos. 9, 12, 27 in the village of Alageri of Tirthahalli taluk are the ancestral properties of the plaintiffs. The plaintiffs have been in possession and enjoyment of these properties as owners from the time of their ancestors for nearly 200 years past. The plaintiffs' ancestors viz., Venkatanarayana Bhatta, son of Channakeshava Bhatta, purchased the said lands from Gangadariah, Subbiah and Visveswariah sons of Aswathiah. The previous owners of the said properties by means of a sale deed dated [illegible] and ever since that time these lands described there fully in the schedule have been in the possession of the vendees i.e., the plaintiffs' ancestors and the possession has continued

continued in the family since then till now. But the defendants have now passed an order that the suit-lands belong to Sri Subramanya Devaru of Kasaravalli.

3. The said lands never formed the property of Sri Subramanya Devaru of Melina Agrahara of Kasaravalli and they were never in the enjoyment of the temple in any manner. The Inam Title Deed bears out this fact that these lands have never been gifted to the temple or the deity at any time.

4. According to the Inam vaivatdar's statement Sri Subramanya Devaru has for its endowment only ಎರಡು ಗದ್ದೆ of "Kowlani ಕೌಲು " comprised of ೬ Gadyanas of wet ಒಣಗ and ೩೧/೨ Gadyanas garden of 400 trees. The plaint schedule lands do not come under this description and do not constitute " ಕೌಲು ಕೊಡಿ. " referred to above. The Muzrai Commissioner has observed in his order dated 12.2.1932 that the temple lands comprised in .Nos. 1 and 2 were known as " ಕೌಲು ಕೊಡಿ and that the old Bijavari area of this land corresponds wit the Survey area of S.Nos 1 and 2. The temple consequently has no right to any other lands as there is no reference to any other grant made to it.

5. The defendants did not hold any enquiry as is contemplated in Rules 10 and 19 of Regulation VII of 1927. The alienation in favour of the plaintiffs is very old and the long enjoyment of the properties by the plaintiffs and their ancestors for over 200 years as owners gives them a valid title by adverse possession as against every other person and the defendants cannot disturb the possession under the circumstance It is incorrect to say that plaintiffs or their ancestors possessed the properties on behalf of the temple as they were not its managers and had nothing to do with it. The order of the Muzrai Officers and the Department with regard to the schedule properties is against law, and void and is not binding on

(7

Appendix F G–1]

SUBJECT

Diary No. of letter replied to

General and Revenue Secretariat

( )

the 193 .

Date of issue 15/9/33

Signed by

List of enclosures

Copied by

Examined by

I

Section Law

File No. 3033

Serial No. 2

No. P 1308/Enl

To

The Dist. Judge. Shimoga

Sir,

I am directed to return herewith duly signed by the Chief Secretary the defendant's summons in original in ~~Original~~ O.S. 1/33-34 on the file of your Court (Kesavaraj Nayappa vs Ch. Sec.) sent with your letter No. XX 378/3 dated 8.9.33 and to state that the Public Prosecutor Shimoga has been instructed to appear for Government in the case.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

ISD
12/9.

18

Appendix F G–1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193 .

Date of issue 15/9/33

Signed by

List of enclosures.....

Copied by.....

Examined by.....

4

Section Law

File No. 30-35

Serial No. 3

No. P 1309/Rev 2

To

The Public Prosecutor Shimoga

Sir,

I am directed to forward herewith the duplicate of the defendant's summons and the copy of the plaint in O.S. 1/3334 on the file of the Dt. Ct. Shimoga (Karavally nagappaiya vs Ch. Sec^y) and to request you to appear for Government in the case on 16th Oct 1933. the date to which it stands posted for hearing and obtain a month's adjournment to enable necessary orders being obtained in the matter of defending the suit. Intimation of the adjourned date of hearing may be sent in due course.

I have the honor to be,
Sir,
Your most obedient servant,

BM 12/9

Secretary to Government.

ISD

n/s

Appendix F G–1]

SUBJECT.....

.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 15/9/33

Signed by J. W. L. Rau

List of enclosures.....

Copied by.....

Examined by.....

111

Section Law

File No. 30-33

Serial No. 4

No. P. 1310/Enc 2

To Mer Court in response

The ~~DC~~ ~~Shimoga~~

Bangalore

Sir,

I am directed to forward herewith copies of the defendant's summons and the plaint in O.S. 1/33-34 on the file of the Dist. Judge Shimoga (Kasamally Nagappaiya vs Chisee?) The case is posted to 16th Oct'33 and the Public Prosecutor Shimoga has been instructed to appear on that day and take an adjournment to enable necessary orders being obtained in the matter of defending the suit. I am therefore to request you to submit the report required under rule 89 of the Rules for the conduct of the legal affairs of Government together with the connected records within 2 weeks from this date so that necessary instructions may be sent to the Public Prosecutor in time.

I have the honor to be,
Sir.
Your most obedient servant,

JWL 12/9

for General *Secretary to Government.*

LD
12/9/33

2042-33
P

M C. 13]

No. 448/33-4
Encl Records.

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

Dated, Bangalore, 13th October 1933.

17 Law 30-33-5

FROM

V. Madhava Rau, Esq., B.A., B.L.,
~~SUBBARAMANNAIYA, ESQ., M.A., B.L.,~~
Muzrai Commissioner in Mysore.

To

GENERAL SECRETARY
17 OCT 1933
No. 1061

H. V. Ramaswami, Esq., M.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore.
General *Department.*

SIR,

With reference to your letter No. 1310/Law 30-33-4 dated 15-9-33 calling for the records together with a report under rule 89 of the rules for the conduct of the legal affairs of Government in connection with the suit filed by Basaravalli Nagappiah against Government for possession of certain inam lands of Alagere village, Tirthahalli Taluk, I have the honor to forward herewith the entire records received with the Shimoga Deputy Commissioner's letter No. Muz.1.C.582/33-34 dated 9-10-33 (copy enclosed) together with this office file No.R.Dis.133/31-32 dated 12-5-32 and to state that the several points raised in the plaint have been answered seriatim in the Deputy Commissioner's note enclosed in the records. The facts of the case have also been fully discussed in this office file referred to above. As it is necessary to defend the interests of the institution in favour of which the inams have been resumed, I request that the Public Prosecutor may be authorised to represent both the defendants in the Court and that sanction of Government may kindly be accorded to place a sum of Rs.100/- at the disposal of the Deputy Commissioner to meet the expenditure connected with the conduct of the case, out of temple funds. A sum of Rs.2308-6-5 is available at the credit of the temple.

A copy of Shimoga Deputy Commissioner's letter No.Muz.C.582/33-34 dated 16-9-33 is enclosed for reference. The plaint copy and summons are herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

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Letter No.Muz.1.C.582/33-34 dated 9-10-33 from the Deputy Commissioner, Shimoga District, to the Muzrai Commissioner in Mysore.

Adverting to your memo No.448/33-34 dated 21-9-33 forwarding copy of the General Secretary's letter No.P.1310/Law 30-33-4 dated 15-9-33 calling for a report with records under rule 89 of the rules for the conduct of the legal affairs of Government in connection with the suit filed by Kasavarahalli Nagappia against Government for possession of certain inam lands of Alagere village, Tirthahalli Taluk, I have the honor to forward herewith a note on the subject together with the connected records.

The plaint copy and the summons sent with this office No.Muz.C.582/33-34 dated 16-9-33 may kindly be returned for being returned to the Court.

"COPY"

For Muzrai Commissioner.

(13)

etter No.Muz.C.582/33-34 dated 16-9-33 from the Deputy Commissioner, Shimoga District, to the Muzrai Commissioner in Mysore.

Adverting to your Memo No.R.Dis.167/32-33 dated 12-6-33 communicating a copy of the General Secretary's Endorsement granted to Kasaravalli Nagappiah and others declining to revise the orders passed by Government in their order No.1607-09/Muz.256-31-2 dated 30-4-32/3-5-32 refusing to restore certain inam lands of Algere village, Tirthahalli Taluk, to their possession, I have the honor to state that Kasaravalli Nagappiah and his son Nagabhushana Rau have filed a suit C.S.No.1/33-34 in the Court of the District Judge, praying for the cancellation of the orders of Government referred to above and against the Government of Mysore by its Chief Secretary and the Deputy Commissioner and Muzrai officer, Shimoga, as first and 2nd Defendants respectively and summons have been received in this office from the Court posting the case to 16th October 1933.

As it is necessary to defend the interests of the institution to which the inams have been resumed I request that the Public Prosecutor may be requested to represent the defendant in the Court.

A sum of Rs.100/- may be kindly placed at my disposal for the present to meet the expenditure connected with the case. A sum of Rs.2308-6-5 is at the credit of the temple and the expenses of the suit may be met out of that amount.

On receipt of orders needful instructions will be issued to the Public Prosecutor.

The plaint copy and the summons received from the Court are enclosed for perusal and kind return when done with.

The favour of very early orders is requested.

"Copy"

For Muzrai Commissioner.

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G. R. S. App. F VI—G 2]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Law

File No. 30-33

Serial No. 6

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 26/10/ 193 ?

Signed by Sm. N. J. Rau.

O.S. 1/33-34 on the file of the Dt. Judge. Shimoga (Kasaravalli nagappaya vs Govt)

Read— Letter no. xx. 378/3 dated 7th Sept. 1933 from the Dist. Judge. Shimoga forwarding defendants' Summons in the originally noted Case for service and return

2 Letter no. 446/33-34 dated ~~Order thereon No~~ 17th Oct 1933 from the Mys. Commr forwarding the entire records relating to the Case and requesting in the Circumstances stated to authorise the Dt. Shimoga to represent both the defendants in the Case, and Soliciting sanction of Govt to

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, kannada part ?

(15)

Place a Sum of Rs 100/ at the disposal of the DC Shimoga to meet the expenditure Connected with the Conduct of the Case out of temple funds — Sree Subrahmanya Devaru of Karavalli Melina Agrahara.

order:— P 1883 — 86

Sanctioned. The PPr. Shimoga is requested to take further action directed to Conduct to defend the Suit in accordance with the decisions of the above Suit on behalf of both the defendants viz the Govt and the D.C Shimoga according to the rule, for the Conduct of Legal affairs of Govt. A draft written Statement may be prepared and submitted for approval of Govt in time after obtaining necessary further instructions, if any from the D.C. Shimoga.

List of Enclosure

KD 19/10

1/10 24/10 — General Secy

To,

1) The PPr. Shimoga with records Copied by Law file 140-32 Sl 1-3 Examined by

2) " Mny. Comr.

3) " D.C. Shimoga

4) " Comptroller to Govt.

PSu 24.10.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:—

Letter No.XX. 378/3 dated 7th September 1933 from the District Judge, Shimoga forwarding defendant's Summons in the marginally noted case for service and return.

O.S. 1/33-34 on the file of the District Judge, Shimoga (Kasaravalli Nagappiah Vs. Government).

2. Letter No.448/33-34 dated 17th October 1933 from the - Muzrai Commissioner, forwarding the entire records relating to the case and requesting in the circumstances stated to authorise the Public Prosecutor, Shimoga to represent both the defendants in the case, and soliciting sanction of Government to place a sum of Rs100/- at the disposal of the Deputy Commissioner, Shimoga to meet the expenditure connected with the conduct of the case out of temple funds - Sree Subrahmanya Dewaru of Kasaravalli Melina Agrahara.

Order No. P.1883-86/Law 30.33-6

Dated, Bangalore, 24th October 1933.

Sanctioned. The Public Prosecutor, Shimoga is requested to take further action to defend the suit on behalf of both the defendants viz., the Government and the Deputy Commissioner, Shimoga in accordance with the rules for the conduct of legal affairs of Government. A draft written statement may be prepared and submitted for approval of Government in time after obtaining necessary further instructions, if any, from the Deputy Commissioner, Shimoga.

Asst. General Secretary to Government.

The Public Prosecutor, Shimoga, with records & Law File 140-32 Sl.1-
The Muzrai Commissioner in Mysore
The Deputy Commissioner, Shimoga District
The Comptroller to Government of Mysore.

Pgk.5

Law 30-33-7 GPB

19 .

From The public prosecutor,
Shimoga Division,
Shimoga.

To

The General Secretary
to Govt. of Mysore
Bangalore.

Dated

Despatched

Received

General No. 173
No.

Enclosure No. one

GEN SECTT 25 OCT. 1933 No 120.

Sir,

I have the honour to forward herewith the duly filled up Vakalat for ~~the~~ signature of the Chief Secretary, in the marginally noted case and to request that the same may kindly be returned early.

I have the honour to be,
Sir,
your most obedient Servant

B Krishna Rao
Public prosecutor,
Shimoga.

Subject:- O.S. 1/33-34 on the file of Dist-judge, Shimoga.

(K. Nagappiah & another
vs
1. Govt. of Mysore
2. Shimoga D.C.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 2073 Genl

Dated, Bangalore, 7th November 1933

From The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Public Prosecutor,
SHIMOGA.

Sir. O.S.1/33-34 on the file of the District Judge, Shimoga. (K.Nagappaiya VS: Government)

With reference to your letter No.173 dated 24th October 1933, I am directed to return herewith duly signed by the Chief Secretary, the vakalat empowering you to appear in the above case.

I have the honour to be,
Sir,
Your most obedient servant,

For General Secretary to Govt.

mk.2

G. R. S. App F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

(14

/App/273/Genl/30-33-8

/Genl/875/4/33

To,

The PPr. Shimoga

O.S. 1/33-34 on the file of

the Dt. Judge. Shimoga

(K. Nagappaiya is Govt)

Sir,

With reference to

Your letter no. 173 dt 24.10.33,

I am directed to return

herewith duly signed by the

Ch. Secy, the Vakalat

empowering you to appear

in the above Case

I have etc

for Genl Secy

SD

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PB—10,000— 16-5-27

Law 30-33-9

WD 0651—GPR—2,00000—7-10-30

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From The public prosecutor, (20
Shimoga Division
Shimoga.

To

The General Secretary
to the Government of
Mysore, Bangalore.

Despatched 19/4/34

Received

General No. S-21
No.

Enclosure No. Two files

Sir,

The marginally noted case stands posted to 14th May 1934 for filing the written statement. I have here in enclosed a draft written statement prepared by me

O.S. 1/33-34 on the file of Dist court, Shimoga.
(K. Nagappiah VS
1. Government
2. Shimoga D.C.)

on the official records furnished to me for the approval of the Govt and request that the statement in the approved form may be sent to me with the Chief Secretary's Signature affixed at the appropriate places. The file of papers submitted may be returned along with the statement.

I have the honour to be,
Sir,
your most obedient servant
B. Krishna Rao
public prosecutor,
Shimoga.

In the court of the District Judge, Shimoga.

O.S.1/33-34

Plaintiffs		Defendants.
1. Kasaravalli Nagappiah,	Vs	1. Government of Mysore 2. Shimoga Deputy Commissioner
2. Kasaravalli Nagabhushana Rao.		

The defendants' written statement under O.8,R.1.C.P.C

1. The assertions made in para 2 of the plaint that the plaint schedule lands bearing S.Nos. 9,12,and27 of Alagu village are the ancestral properties of the plaintiffs and that the plaintiffs are in possession and enjoyment of these as owners from the time of their ancestors for nearly 200 years past are not true. The defendants deny that they were purchased by the plaintiffs ancestor viz.,Venkatanarayana Bhatta bin Channakesava Bhatta from Gangadhariah, Subbiah and Viswoswariah sons of Aswathiah under a sale deed dated ೨೯ ಆಂ ಶಕವರ್ಷ 1604 and that they have ever since continued to be in posession of the plaintiffs family in their own right and title. The defendants further assert that even in the event of the existence of a sale deed executed by the said Gangadhariah in favour of Venkatanarayana Bhatta, the alleged ancestor of plaintiffs, the said sale deed does not affect the right title and interest of Sri Subrahmanya Devaru of Kasaravalli in the lands in question over which the defendants exercise control as the said temple is a Muzrai institution endowed with Inam lands.

2. The allegations in para 3 of the plaint that the suit lands did not form the property of Sri Subrahmanya Devaru, that they were not in the enjoyment of the temple in any manner and that the Inam title deed disproves the title of the Diety or its temple to the same are untrue representations deliberately set up to lay

a false claim to the temple funds.

3. Kasaravalli Sri Subrahmanya Devaru is endowed, among with two other Dieties, claim Inam lands covered by title deed Nos.391/665 and 392/666 in Alagere village. The Inam lands under title deed No.665 consist of samsrita lands both Brahmadaya and Devadaya and they comprise 10 survey numbers including maji servey numbers 1 and 2. The Inam lands under the title deed No.666 also consist of samsrita lands both Brahmadaya and Devadaya, appertaining to 13 vrithidars of which Subrahmanya Devaru is one. These lands comprige sur. numbers 27, 12, and 9. The management of the temple vested for a long time in the family to which the plaintiffs and Puttamma's husband Seshanna belonged and the samsrita lands of the Diety were being enjoyed by the vahivatdars in their duel capacity as owners with respect to Brahmadaya and as trustees on behalf of the temple with respect to the Devadaya. But, as there was mismanagement in the affairs of the temple, the management of this institution and of two others was assumed by Government as per order No. 10-8-9/Muz. 229 20-8 dated 12-7-1911 with their endowments, S.Nos. 1 & 2 of Alagere village and a scale of income and expenditure for the Diety was sanctioned. Subsequently, Puttamma appealed to the Government for the restoration of the said S.Nos. and the Government has finally in their order No. 471-3/Muz 201-25-7 dated 31-9-27 directed the ascertainment of the temple's share in the two survey numbers and a separate Registry thereof. The Government futther observed that the said temple was entitled to a share in all the three S.Nos. 27, 12, & 9 (old survey) included in one samsrita personal and Devadaya Inam as entered in quit Register and that in this case also the share belonging to the temple should be ascertained by necessary inquiry, resumed from the persons in present possession and seperately registered

registered in favour of the temple. The Revene Commissioner was requested to take steps with consultation with the survey superintendent to seperate the Devadaya and personal Inams and the Muzrai Commissioner was requested to revise the scale in the light of its revised income according ot this roder.

4. The demarcation of the temple's share in the landsx was referred to the local authorities in persuance of the above Government order and on the data furnished by the quit rent register which specifically records the extent of each vrithi, both Devadaya and brahmadaya in the three survey numbers and shows the share of the temple under reference as 6-18-4 out of their total bijavarioxtent 22-18-12, the Amildar of Tirthahalli Taluk subdivided the two S.Nos. 12 & 9 where-by the temple share was fixed at 5 acres and 20 guntas of wet land asper details noted below

Maj.S.No.	R.S.No.	Extent a g	Temple share,	Brahmadaya
27	15	0-6	nil	0-6
12	34	10-23	2-34	7-29
9	31	9-24	2-26	6-38
		20-13	5-20	14-33

and he did not take into consideration survey number 27 in view of its small area namely, 6 guntas and of an additional extent having been alloted to the institution in S.No. 9 only, in proportion to its share in the former survey number. But, as second plaintiff, took exception to the above said demarcation, the matter was referred to the higher authorities. The Muzrai Commissioner, after notice to the plaintiffs and Puttamma, approved on 12-2-1932 the Amildars apportionment as correct and equitable and over-ruled the second plaintiff's contentions. Andfinally the Government has confirmed the Muzrai Commissioner's order in G.O.No. 1607-09/Muz.256-32-2 dated 30-4-32/ 3-5-1932.

5. The plaintiffs are, thus, entitled to the whole of S.No.27 corresponding to R.S&No. 15 being Brahmadaya and to a portion of 7 acres and 29 guntas out of Msj. S.No. 12 corresponding to R.S. No. 34 and to a portion of 6 acres 38 guntas out of Maj.S.No. 9 corresponding to R.S. No. 31, thus, in all to an extent of 14 acres 33 guntas out of 20 acres 13 guntas which is the total extent of the three survey numbers in question and an area of 2 acres 34 guntas out of Maj.S.No. 12 and 2 acres 26guntas out of Maj.S.No.9 thus in all an area of 5 acres 20 guntas of the said two S.Nos. is Devadaya Inam belonging to Sri Subrahmanya Devaru of Kasaravalli. The plaintiffs can therefore lay no claim to the above said Devadaya portions of the two Inam lands S.Nos. 12 and 9 as they appertain to the Diety Sri Subrahmanya Devaru of Kasaravalli.

6. Moreover the plaintiffs are estopped from denying the title of the Diety to the above said portions of the two S.Nos. 9 and 12 and from asserting their right to the whole, in view of the second plaintiff's admission in his statement submitted to the Muzrai Commissioner on or about 19-11-1931.

7. The allegations in para 5 of the plaint that no inquiry was held by the Muzrai Department, that the plaintiffs have acquired a valid title by adverse possession and that the order of the Muz-rai Department does not bind the plaintiffs as being invali are untrue and untenable. An inquiry qas held by the Muzrai Commissioner on account of the plaintiffs objection to the allocation of the Brahmadaya and Devadaya portions in the survey numbers in question and they were guven opportunities to represent their case. Except that the second plaintiff sent a written statement to the Muzrai Commissioner, they did not avail themselves of the opportunities and the latter passed an order based on the available official records and

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and the Amildars bifurcation. And the said order of the Muzrai Commissioner has been duly confirmed by the Govt. in their order No. 1607-01/ Muz.256-31-2 dated 30-4-1932/ 2-5-1932 and the plaintiffs are therefore estopped from challenging the validity of the order. Moreovery as the plaintiffs ancestors were in possession of the temple land as vahivatdars no question of adverse possession arises at all and the plaintiffs are not entitled to claim the Diety's lands.

8. The allegations made in para 4 of the plaint refer to the lands comprised in the title deed No. 391/665 which do not comprise suit lands and it is not intelligible how they have any bearing on the question at issue in this suit.

9. The civil courts have no jurisdiction to entertain this suit as it is barred by section 40 of Regulation VII of 1927, by section 3 of Regulation VII of 1923 and by Rules No. 21 of the Rules framed for the guidance of the Inam Commissioner as the settlement of the Inam Commissioner can only be appealed against before the Government under Rule 22.

10. The court fee paid on the plaint is inadequate as the same should be paid on 15 times the net profits arising from the lands in dispute during the year prior to the institution of the suit on the market value of the lands kunder section 4, sub-section iv(c) read with sub-section V A clause (c) of the Mysore court fees Regulation.

11. There is no cause of action for this suit.

12. The plaintiffs are not entitled for any of the reliefs claimed in the plaint.

Wherefore the defendants pray that the suit may

P.T.O.

(27)

may be dismisses with costs.

Chief Secretary to the Government
of Mysore, Bangalore.

Deputy Com, Shimoga.

~~I, the Chief Secretary to the Government of~~
We the defendants abovenamed
~~Mysore, Bangalore~~, do hereby declare that what is stated in the above paras is true to our ~~my~~ knowledge and belief so far as the same are based on the available records and in token thereof we ~~I~~ have affixed our ~~my~~ signatures to this on the ~~this day the~~ dates

~~April~~ April 1934. noted.

Chief Secretary to the Government
of Mysore, Bangalore.

Deputy Com Shimoga.

N O T E.-

Paras 2 and 3 of the Plaint:-

Kasarawalli Sri Subrahmanya Devaru is endowed among others with certain inam lands covered by title deed Nos.391/665 and 392/666 in Algere village. The inam lands under T.D. No.665 are samsrista lands and they comprise 10-Survey numbers including maji S.Nos. 1 and 2. The lands under the other title deed also are samsrista lands consisting of 13 vrithidars, of which Subrahmanya Devaru is one. These lands comprise S.Nos. 12, 27 and 9. The records go to show that Mr. Sahukar Nagappaiah and Puttamma wife of Seshanna belong to the family which was formerly looking after the management of the temple. It is in this twofold capacity that they have been long enjoying the samsrista lands.

As there was mismanagement in the affairs of the temple, the management of this and two other temples was assumed by Government as per G.O.No.10-8-9/Muz.229-20-8 dated 12.7.1911 with -their endowments, Survey Nos: 1 and 2 of Alagere village, and a scale of income and expenditure was sanctioned. Puttamma appealed to Government praying for the restoration of these two Survey Numbers to her on the ground that they had been taken under Government management under a mistake. Government in their order No.471-3/ Muz.201-25-7 dated 31.9.1927 directed that her contention that the two survey numbers were purely personal inam was untenable and that the share of the temple in these two survey numbers which should be ascertainable from practice and usage would accordingly be fixed after necessary enquiry and entered separately in the name of the temple. They further observed that the said temple was entitled to a share in all three survey numbers 12, 27 and 9 (old Survey) included in one samasrista. Personal and devadaya inam as entered in the quit rent register and that in this case also the share belonging to the temple should be ascertained by necessary enquiry, and separately registered in favor of the temple. The Revenue Commissioner was requested to take steps in consultation with the Survey Superintendent to

to separate the devadaya and personal inams and the Muzrai Commissioner to revise the scale in the light of its revised income according to this order. The facts of the case have been fully narrated in this office letters Numbers Muz-4C:302/26-27 dated 10.10.26 and 22.7.27 which led to the passing of the G.C. dated 21.9.1927. Copies of the letters are enclosed for kind reference.

Para 4:-

In para 5 of this office letter No.Muz.A.c. 302/26 27 dated 20.2.29 it is stated that "ಕೆಲಂ ನಿಶ್ಚಯಂದು" belongs to the temple on the authority of documents produced by B.G.Appu Rao and the Taluq "From and To" Register Extracts. A copy of this letter is enclosed for ready reference.

Para 5:-

Due opportunity is said to have been given even by the Muzrai Commissioner to the parties concerned to present their case which however was not availed of by them vide preamble 2 to G.C.No.1607-09/Muz.256-31-2 dated 30.4.32/3.5.32.

The order passed on the revision application by Government in their memo No.1125/Muz.256-31-7 dated 27/28.1.1933 led to the filing of the suit.

Reliefs claimed:-

It has been established beyond doubt that the lands in question belong to the temple and the Plaintiffs are not entitled to any reliefs.

V.S.R.
9 x 33.

Deputy Commissioner,
Shimoga District.

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Copy of letter No.302/26-27 dated 10.10.26 from the Deputy Commissioner, Shimoga District, Shimoga, to the Muzrai Commissioner in Mysore, Bangalore.

Subject:- Restoration of S.nos. 1 and 2 of Algere Village in Thirthahalli Taluq - Petition of Puttamma of Kasaravalli.

--

With reference to the correspondence ending with your D.C.No.C.961/23-24 dated 22nd September 1926 regarding the petition of Kasaravalli-Puttamma in the matter of restoration to her of S.Nos. 1 and 2 of Algere village in the Thirthahalli Taluq, I have the honor to state that from the vernacular records it is observed that so far back as November 1905 ~~Subbrahmaniya~~ Subbamaiya, the cousin brother of Sheshamma Husband of the petitioner, presented a petition to the Deputy Commissioner complaining that the aforesaid S.Nos. were Devadaya Inam lands belonging to the institution of Sri Subrahmanaya Devaru of Kasaravalli and that the petitioner Puttamma was in unlawful enjoyment of the same to the determent of the interests of the institution. It is on this ~~petit~~ petition that initiative was taken by the Amildar to frame of scale of income and expenditure for the three temples of Sri Anjaneya Devaru, Sri Subrahmanya Devaru, and Sri Gopala Krishna Devaru Situated at Kasaravalli and to include the said lands in the scale.

2. The marginally noted notices were issued to the petitioner Puttamma for enquiring her about the enjoyment of the lands in question. But the attempts made to ~~make~~ serve the notices on her proved futile owing to her absence from Kasaravalli. It was in May 1910 or after a lapse of nearly five years from the date of application of ~~Subrahmanya~~ Subbamaiya that the Amildar made his final report No.1075 dated 23rd May 1910 and included the lands in question in the scale. In Government Order No.108-9 Muz.229-10-8 dated 12th July 1911, that Government passed final orders sanctioning the scale of income and expenditure for the aforesaid three temples and in the statement appended thereto the S.Nos. 1 and 2 of Algere village are mentioned. The Amildar in reporting the action taken on the orders of Government says in his report

Notice dated 14.11.06.
" 5. 3.07.
" 19. 6.08.
" 15.10.09.

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No.1041 dated 6.6.1912 as hereunder:-

"ಇನಾಂಅಧಿಕಾರಿಯವರು ಮೇಲುಲಗೆರೆಗ್ರಾಮ ಸರ್ವೆ ನಂ 392/666 ಮತ್ತು 391/665ರ ತೀರ್ಪಿನಲ್ಲಿ ಕಂಡಂತೆ ಅಲಗೆರೆ ಗ್ರಾಮದ ಲಿ ಪುಟ್ಟಾಂಬಾಯಮ್ಮಂಕ್ಕಾಂಬಾಯಮ್ಮನವರು ಸ್ವಾಧೀನಾಂಶ ಕೊಂಡಿದ್ದು ಪ್ರಸ್ತುತ ಅರ್ಜಿದಾರರ ಹಾಕಿಕೊಂಡಿರುವ ಇನಾಂಜಮೀನುಗಳು ಇವೆ - ಮೈ ವಿವಾಯಿತಾಂಶಕ್ಕೆ ಸೇರಿದ್ದೆಂದು ಅಭಿಪ್ರಾಯಪಟ್ಟಿರುತ್ತಾರೆ. ಅಲಗೆರೆ ಗ್ರಾಮದ ಸರ್ವೆನಂ 1 ಮತ್ತು 2 ಕ್ಕೆ ಸೇರಿದ ಸುಮಾರು ಎಕರೆಗಳಷ್ಟು ಜಮೀನನ್ನು ಅರ್ಜಿದಾರರು ಮತ್ತು ಅವರ ತಂದೆಯವರು ಇನಾಂಗಳಾಗಿ ಅನುಭವಿಸಿಕೊಂಡು ಬಂದಿರುತ್ತಾರೆ. ಸದರಿ ಜಮೀನುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸರ್ಕಾರದವರು ಸಾಗುವಳಿ ಚೀಟಿಯನ್ನು ಕೊಡಲಿಲ್ಲವೆಂದು ಅರ್ಜಿದಾರರು ತಿಳಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಜಮೀನುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸರ್ಕಾರದವರು ಸಾಗುವಳಿ ಚೀಟಿಯನ್ನು ಕೊಡಲಿಲ್ಲವೆಂದು ಅರ್ಜಿದಾರರು ತಿಳಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಜಮೀನುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸರ್ಕಾರಕ್ಕೆ ಒಟ್ಟಾರೆ ಸಾಗುವಳಿ ರೂ 123-0-0 ಗಳನ್ನು ಅಲಗೆರೆ ಗ್ರಾಮದ ತಹಸೀಲ್ದಾರರ 56 ಖಾತೆಗೆ ಪಟ್ಟಿ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ."

The statement dated 26th October 1923 of Venkataramana Bhatta shows that he has been the lessee under Government of the Algere lands - S.Nos. 1 and 2 which in resurvey have become S.Nos. 3 and 4 since 1911-12 and has been paying the stipulated gutta both in cash and kind to Government. It will thus be seen that soon after the aforesaid gogernment order, the Amildar took possession of the lands and leased them out and they continue to be under Government management.

3. The first petition of Puttamma is dated 23rd Agust 1923 and is addressed to the Deputy Commissioner. Till then or nearly for a period of 12 years, she acquiesced to the possession of the said lands by Government. She was directly affected immediately the possession of the lands were taken by the Amildar in 1911-12 in as much as Venkataramana Bhatta, who was her lessee also priorto this date, says in his statement of October 1923 that up to 1911-12 he was paying the gutta to Puttamma and that he ceased to do so from 1911-12. The contention at this late stage that the lands in question are Bhramadaya lands and not Devadaya and that she was unlawfully deprived of their possession, savours of an after-

after-thought and should be the work of some interested person at the back who wants to benefit himself in case the contention results in success. It is a matter for consideration whether the question could be allowed to be re-opened at this late stage, when her claims are ~~barred~~ timed under Art 142 of Schedule I of Limitation ~~Register~~ Regulation

4. The first point urged in the petition is that she is the owner of the lands by purchase by her husband's ancestors from the Sri Bhimanakatte Muni Vrinda Matha. In support of this contention a copy of the sale deed dated 1807 and said to have been duly registered in 1861 when the Registration Act came into force, is produced From the description and other particulars therein given it is not possible to indentify that the lands mentioned in the document correspond to Algere S.Nos. 1 and 2. The quit-rent register pages 272. 273 274 and 275 shows that under title-deed No.391/665, ten survey numbers of theextent of 105 acres and 28-guntas with a survey assessment of Rs 408-4-~~x~~0 are "Personal and Devadaya" samasrista lands given to 23 persons of whom Bhimanakatte Hale Matha is number 18. The above ten survey numbers include the survey numbers 1 and 2. Three S.Nos in the same village of the survey area of 16 acres and 33 guntas with a survey assessment of Rs 47-12 0 are also personal and Devadaya samastria lands given under title-deed No.392/666 to 13 persons of whom Bhimanakatte matt is No.12. The lands alleged to have been purchased from the said matha might be any one or more of the aforesaid 13 survey numbers. In the absence of any other definite evidence that the lands mentioned in the sale deed are the very lands now comprising S.Nos. 1 and 2, her contention that these are her purchased Bhrahmadaya lands cannot be admitted.

5. The next point urged is that the lands were unlawfully taken away from her possession without any enquiry whatsoever on the ~~xxxx~~ false representation of ~~Subbramanya~~ Subbammaya, who had strong ill-will and jealousy against her husband. From the Civil Court records produced there is no doubt that ~~xxxx~~ there was no love lost between

between Subbramanya and Puttamma's husband. But successively in four years, notices were issued to her by the Amildar, but there is nothing to say that the notices were served on her, to represent her case and she lost her chances by her own default. It is rather too much to concede that she was quite ignorant of the action taken by the local authori-ties during the period of 5 years and more since the date of the petition of Subbramanya. It is not merely on the representation of Subbramanya that the lands were taken under Government management but the action was based on the local enquiry and the entires in the Government records as referred to in para 2 supra.

6. The third and the last contention is that in connection with a civil litigation for the division of the family estate in O.S.No. 63 of 1883 on the file of the District Judge Nagar Division, which went up in appeal to the Chief Court, these lands have been decreed in favor of her deceased husband, Sheshanna, on the authority of which the Revenue authorities handed over the lands to her hubband. This is no doubt true. But the point whether the lands in question were Brahmadaya or Devadaya was not at issue either in the Court or when the Revenue authorities handed over the possession. In the schedule S.Nos. 1 and 2 of Algere village are shown as forming part of the family property But it is clear from the records that the vahiwat of the institution and as a consequence the possession of the lands endowed to the insitution were in this family from a very kong time till 1911-12. The family therefore might have considered the temple lands also as forming part of their private estate and on this understanding they might have included them in the schedule. Subbramanya might not have purposely raised any contention regarding the lands in question being Devadaya lands in as much as he stood to gain in the partition by including them in the family property as otherwise his share might have been diminished to that extent. However this might be, if the lands are held to be Devadaya Inam lands, no decision of a civil court could have any effect in preventing government from taking possession of the lands for valid reasons according to standing orders.

9. The petitions of Puttamma and the two Vernacular files of records are herewith submitted for reference and return.

Copy of letter No.302/26-27, dated 22.7.27:- (2nd letter)

In continuation of my letter No.Muz.I.Ac.302/26-27 dated 20.5.1927 regarding the petition of Puttamma in the matter of the possession of S.Nos. 1 and 2 of Algere village, Thirthahalli Taluq, I have the honor to state that the maji S.Nos. 12, 27 and 9 granted under title-dedd No.392/666, which are in samsritha/state consisting of both Brahmadaya and devadaya vrithis are reported to be at present in the possession and enjoyment of Mr. Nagappa, the Sahukar at Kasaravalli and of Puttamma, the petitioner. As already stated in my letter No.Muz.I.Ac.302/26-27 dated 11.10.1926 addressed to the Muzrai Commissioner, there are 13 vrithis under the said title-deed and the Sri Kasaravally Subramanya Devaru is only one of the vrithidars. The records go to show that the two persons referred to above are not only Brahmadaya vrithidars under the above title-deed but that they belong to the family which was formerly looking after the management of the temple under reference. It is perhaps in this two-fold capacity that they have been long enjoying the samsrista lands. How and when the other vrithis came to be enjoyed by them it is not definitely known.

The vernacular file of correspondence ending with the report No.Mc.360/26-27 dated 9.7.27 from the Amildar, Thirthahalli is herewith submitted for kind reference.

--:oOo:--

Copy of letter No.302/26-27 dated 20.2.29. (3rd Letter).

Samsrstha Inam - Separation of Vrithis, Alegere Village Sir Kasaravalli Subrahmanya temple.

In continuation of this office No.Muz.I.Ac.302/26-27 dated 15.9.1928 regarding the above, I have the honor to submit herewith the phod record together with the vernacular file on the subject.

7. Coming to the Government records, I have to observe as already stated that S.Nos. 1 and 2 of Algere village are included in title.deed No.391/665 in which 23 persons are given an extent of 105 acres and 28 guntas of lands. These are "Personal and Devadaya" Samasrista lands. Of the 23 persons, Algere Narasimha Devaru is No.20, Kasaravalli Subramannya is No.21 and Bhimanakatte Gangadhareswara Devaru and Gangavisveswara devaru are 22 and 23; vide page 272 of the cuit.rent register of 1897. It is not clear whether No.21 Kasaravally Subrahamanya refers to Kasaravalli Subrahmanya Devaru or to another person named Subrahmanya. In the register of Muzrai institutions endowedx with Inam lands inthe Thirthahalli Taluq, revised and corrected upto 30th June 1901 the names of the marginally noted three deities only are mentioned on page 94 under item No.219 for title.deed No.391/665. The omission of No.21 Kasara-

Algere Narasimha Devaru,
Bhimanakatte.
Gangadhareswara Devaru,
Gangavisweswara Devaru.

valli Subramanya in the latterregister raises the presumption that it might be due to the fact of this item having been considered as Personal Brahmadaya and not devadaya. But in the Khalasat Register of 1880 serial No.21 is shown as Kasaravalli Subrahmanya Devaru. Vide case No.619 of the Khalasat register. Similar are the entires in the Jodidar Faisal Patrika and Vasulu Baki Taktha of 1913-14. In this matter reference No. Hc.454/23-24 dated 26th April 1926 was made to the Inam Superintendant. In his reply No.C 181 dated 3rd July 1926, he says "ಕಂಚಿಕೆರೆಯ ಸರ್ವೆ ನಂ 665ನೆಯ 666 (ಕೆ.ಎಂ.ಸಿ(27)) ಈ ಎರಡು ಜಿಲ್ಲೆಯ ಒಳಗೆ ಇರುವ ಹಿರೆಕೆರೆ ಇನಾಂ ಇರುವ ಈ ಎರಡು ಜಿಲ್ಲೆಯಲ್ಲಿ ಇರುವಂಥ ಸಂಸ್ಥಾನದ ಇನಾಂದಾರರಿಗೆ ಸೇರಿದ್ದಾಗಿರುತ್ತೆ ಅಷ್ಟೆಂದು ತಿಳಿಸಿದೆ"

If any further information is required the same may kindly be obtained from the Inam Superintendent.

8. In the matter of the revision of the present scale of income and expenditure, I regret that the local authorities have failed to take any persistent action. I shall see to this question on the return of the records and the passing of final orders on the Petition of Puttamma.

subject, received with memo No. R2.Nc.489/27-28 dated 28.1.29 from the Sub Division Officer, Thithahalli Sub Division.

2. The lands in the samsrutha khate in which the Sri Subrahmanya Devaru has shares are ten S.Nos. of Algere village (including Kaji S.Nos. 1 and 2) under the title-deed No.391/665 and three other S.Nos. of the same village, viz., 12, 9 and 2 under the title-deed No.392/666. The government have directed that the share of the temple in S.Nos. 1 and 2 as well as in 12, 9 and 27 should be determined and demarcated in accordance with practice and usage prevailing in the locality and that the Brahmadaya portion in S.Nos. 1 and 2 should be restored to Puttamma the Brahmadaya vrithidar.

3. Taking up the lands under the second sannad, it will be seen that the quit-rent register specifically records the extent of each vrithi, both Devadaya and Brahmandaya, in the three S.Nos. and that the share of the temple under reference is 6-k, 8k and 4p out of a total extent of 22k-18k-12p. Proceeding upon this data the Amildar has subdivided the two S.Nos.12 and 9 whereby the temples share has been fixed at 5a-20g of wet land as per details noted in the margin. It is reported that the S.No. 27 has not been taken into consideration in view of its small area (0-6), and additional extent having been allotted to the insitution in S.No.9 only, in proportion to its share in the former S.No. The above distribution of vrithis in acres between the temple and the Brahmadaya Inamdars appears to be fair, If necessary the measurements may kindly be got scrutinised in the survey Superintendent's Office and early orders passed in the matter. The plan and Tippani Book are enclosed.

4. One Nagabushana Rao of Kasaravalli has ~~taken exception~~ to the demarcation. He is the Brahmadaya vrithidar and is in possession and enjoyment of the lands under advertance. Now that the Government are taking steps to restore the temples share of which he and his ancestors were in unauthorised enjoyment hitherto he naturally raises the objection that all the three survey numbers are purely brahmadaya and as such his possession cannot be disturbed now.

cannot be disturbed now. In view of the clear and unambiguous record in the quit-rent register of the temple's title-deed to an extent of 6k-8k-4g Bijavani land, the takarar of Nagabushana Rao is quite invalid and deserves no consideration.

5. In regard to S.Nos. 1 and 2 of Algere village the allotment of shares between the temple and Puttamma (the Brahmadaya vrithidar) is rendered difficult for want of proper data to proceed upon. In this case, while mentioning the names of twenty three vrithidars and the total extent of the samsthan lands coming under the sannad (114a-10g and 3050 dayamara) the quit-rent register does not record each vrithidars share in the mixed khate, as it does in the case of S.Nos. 12, 9 and 27. The local enquiries made by the Amildar at first, did not throw any light on the question. In the absence of the required information in the inam register, the Amildar seems to have adopted as the basis for the separation, the statement of the said Puttamma that her ancestors had dedicated to temple an extent of 1¼ khs of bijavani land out of the two survey numbers in question. The total area of the two lands is 14a-24g out of which only 34 guntas (the equivalent of 1¼ khs) were accordingly demarcated by the local authorities as the share of the temples. It has already been stated in a previous letter of this office that the survey numbers 1 and 2 have been in the exclusive and continuous possession of the temple since 1911 and that the institution has no share in the remaining eight survey numbers under the same title-deed. By acquiescing in the above demarcation the temple had to surrender all the valuable lands in its possession except a small extent of 34 guntas. As the temple was a loser by such a division which was not based on any reliable materials, the phod records were returned to the Sub Division Officer for further enquiry and scrutiny. In the course of the subsequent enquiry, one B.S.Appu Rao produced before the Amildar the following three documents which give a clue as to the extent of the share of the temple in the samsthá khate.

1. Copy of the Jari Inamti account of the year 1841.

2. Copy of the Jani Inamti account of the year 1872.

3. " of the correspondence of the Taluq Office, regarding a darkhast by a Vadirajachar for certain lands at Alegere in 1373.

In the first two documents it is clearly noted that the temple's share in the mixed khate is 18 khandies of Bijàvani land and also 400 areca trees in "ಕೆಂಬಲಾ ನಿಕ್ಕುಬು" The contents of the third documents are corroborated by extracts from the "From and To" registers of the Taluq Office wherein also mention is made of "ಕೆಂಬಲಾಗೆಕ್ಕೊಂಡ್ಲು" and 400 areca trees. ಕೆಂಬಲಾಗೆಕೆಂಬಲ. appears to be the name of a particular filed in the Alegere village All the three documents are very old and there is no reason to doubt their genuiness. Hence it can be safely presumed that the temple's share in the samsrtstha khate under the sannad 391/665 is 18 khs of wet land and 400 areca trees. Appu Rao further states that an extent of about 6 acres of wet land has since been converted into garden. The Amildar reports that the above Bijavari measurements tally with the total extent of S.Nos. 1 and 2 which comprise of both wet (10a-9g) and garden (4a-30g) lands and he accordingly concludes that the said S.Nos. must be the identical lands referred to in the jari Inamti accounts. It is seen from the records that Puttamma's husband and his cousin brother, one ~~Subburamiah~~ Subbammaya, were not only the Brahmadaya Vrithidars but were also the vahivatdars of the institution at Kasaravalli. Hence the possession by Puttamma and her husband of the lands in dispute can be well accounted for as due to their being managers of the institution. The whole question has been dealt with in detail in this office letter Muz.Ag.302/26-27 dated 9.10.1926. The additional facts brought to light by Appu Rao, who is stated to be the son of the aforesaid Subbyanniah, go to confirm the view alraddy expressed that the two survey numbers are purely devadaya and that neither Puttamma nor any other Brahmadaya vrithdar can claim any share in the said lands. this view is correct, then there would be no necessity to interfere with the existing order of things. If necessary the documents produced by Appu Rao may be got verified wit' the original

(3)

original jari inamti accounts in the survey Superintendent's Office and final orders of Government obtained in the matter.

Deputy Commissioner,
Shimoga District.

\v.s.r.
10 x 33.

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IN THE COURT OF THE DISTRICT JUDGE, SHIMOGA.

DISTRICT AND SESSIONS COURT SEP 33 SHIMOGA

O.S. / /33-34.

Plaintiffs:-

1. Kasaravalli Nagappiah son of Sannappaiah, Age abcut 67 years.

2. Kasaravalli Nagabhushana Rao son of Nagappaiah, age about 27 years.

viz -

Brahmins, Landlords, residents of Kasaravalli, Tirthahalli Taluk.

Defendents:-

1. The Government of Mysore by its Chief Secretary, Bangalore.
2. The Deputy Commissioner and Muzrai Officer, Shimoga District, Shimoga.

Under Order 7 Rule 1 C.P.C.

The plaintiffs above named beg to state as follows:-

1. The address of the plaintiffs is as stated above.

2. The lands described in the shedule S.Nos. 9,12,27 in the village of Alageri of Tirthahalli Taluk are the ancestral properties of the plaintiffs. The plaintiffs have been in possession and enjoyment of these properties as owners from the time of their ancestors for nearly 200 years past. The plaintiffs ancestors viz. Venkatanarayana Bhatta, son of Channa - -keshava Bhatta, purchased the said lands from ----- Gangadhariah, Subbiah and Visweswariah sons of Aswathiah. The previous owners of the said properties by means of a sale deed dated ಶಾಲಿವಾಹನ ಶಕ ೧೭೭೨ ವಿಕಾರಿನಾಮ ಸಂವತ್ಸರದ ಶ್ರಾವಣ and ever since that time these lands described there fully in the shedule have been in the possession of the vendees, i.e., the plaintiffs ancestors and the possession has continued in the family since then till now. But

the defendants have now passed an order that the suit-lands belong to Sri Subramanya Devaru of Kasaravalli.

3. The said lands never formed the property of Sri Subramanya Devaru of Melina Agrahara of Kasaravalli and they were never in the enjoyment of the temple in any manner. The Inam Title Deed bears out this fact that these lands have never been gifted to the temple or the Diety at any time.

4. According to the Inam vaivatdar's statement Sri Subramanya Devaru has for its endowment only – ೨೧ ಕಣ್ಣಿನ Gadyana of "Kowlani ತೋಟ". comprised of ೯ Gadyanas of wet ಬಾಯಿತ and ೨ Gadyanas garden of 400 trees. The plaint shedule lands do come under this description and do not constitue "ಕೆಳಗಿನ ತೋಟ" referred to above. The Muzrai Commissioner has observed in his order dated 12.2.32 that the temple lands comprised in S.Nos. 1 and 2 were known as "ಕೆಳಗಿನ ತೋಟ" and that the old Bijavari area of this land corresponds with the survery area of S.Nos.1 and 2. The temple consequently has no right to any other lands as there is no reference to any other grant made to it.

5. The defendants did not hold any enquiry as is contemplated in Rules 10 and 19 of Regulation VIII of 1927. The alienation in favour of the plaintiffs is very old and the long enjoyment of the properties by the plaintiffs and their ancestors for over 200 years as owners gives them a valid title by adverse possession as against every other person and the defendants cannot disturb the possession under the circumstances. It is incorrect to say that plaintiffs or their ancestors possessed the properties on behalf of the temple as they were not its managers and had nothing to do with it. The order of the Muzrai Officers and the department with

DISTRICT AND SESSIONS COURT SHIMOGA 6 SEP 1933

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with regard to the shedule properties is against law, and void and is not binding on the plaintiffs. The plaintiffs and their ancestors being all along in open adverse possession as owners to the knowledge of every one, including the defendants, are entitled to continue in undisturbed possession ~~on~~ as such and ~~other~~ the order of the Muzrai Officers and the Department is liable to be cancelled on the above and other grounds.

6. The cause of action arose within the jurisdiction of this Hon'ble Court on 1-2-33 when the final order of the Muzrai Department was communicated to the plaintiffs and the properties are situate in the jurisdiction of this Hon'ble Court.

7. The plaintiffs issued notices to the defendants on 2-5-33 and also to the Sub Division Assistant Commissioner, Shimoga Sub Division and Amildar, Tirthahalli also as required by law and as no relief was given this suit is filed. The latter two are not made parties as the principal Muzrai Officer of the District, Viz. 2nd defendant is made a party.

8. Court fee of Rs 50/- is paid according to Sec.11(b) of II Sch. of the Court fee Regulation.

9. Reliefs claimed:-

Plaintiffs pray that this Hon'ble Court may be pleased to declare that the orders of the Muzrai Department affecting the right and possession of the plaintiffs be cancelled as they are against law and as the plaintiffs are absolute owners in enjoyment of the shedule properties and as they are not and do not form part of the properties endowed to Sri Subramanya Devaru, Kasaravalli, and to direct the

defendants to pay the costs of this suit to the plaintiffs and to grant such other incidental reliefs to the plaintiffs as against the defendants that this Hon'ble Court may deem fit, in the interests of justice, to do and to grant an injunction against the defendants from disturbing the possession of the plaintiffs also.

S C H E D U L E.

ప్లీడరు ఉన్న తాలూకా కంటె వేరే తాలూకాలో ఆలనేరిస్తే కాదని గంగానది కైయ్యేవ
అధికారము కాన్వెక్షన్ వచ్చేరెవరి జిల్లాలోనో ఆ రెవెన్యూలు

సంఖ్య	పేరు	సర్వే నంబరు	ఎకరాలు	చెరువు ఎక్కిన ఆయకట్టు	తూర్పు	పశ్చిమ	దక్షిణ	ఉత్తర
2		9	31/2	మెట్ట 2-25 1-4-0 తరి 1-0 2-12-0 మొత్తం 3-25 4-0-0	సి.నం. 32	16నే సీనాపల్లి నబీచ్యా	16నే నల్లిగాడు బాబూ	సి.నం 31నే సుబ్బడు
		12	34	బాగాయితు 2-19 22-4-0 తరి 10-23 26-12-0 జిల్లా 13-2 49-0-0	సి.నం 33నే రంగశెట్టి 16నే సోమిన బీచ్యా	43నే తరి బాగాయితు మల్లి 16నే సోమిన బీచ్యా	43నే తరి బాగాయితు	33నే వీరి
		27.	15	తరి 0-6 0-8-0	కంగానది	67నే తరి	సి.నం 23	సి.నం 67.

మళ్ళంక సీతారామయ్య జిల్లా మేజిస్ట్రేటు నం (బి) 12 కొత్తగుంట్లా

యిం 9 మళ్ళి 27 ఆలనేరి సమక్షంలో యిది ఇలు

రెవెన్యూ

DISTRICT AND SESSIONS COURT
6 SEP. 1933

copy

No. 448 Judl 33-34

OFFICE OF THE MUZRAI-COMMISSIONER IN MYSORE,

Bangalore, 30th April 1934.

From

N. MADHAVA RAU, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

To

S. Abdul Wajid, Esq., B.A.,
Secretary to the Government of Mysore,
General Department.
(LAW BRANCH.)

Sir,

Adverting to G.O.No.P.1883-86/Law 30-33-6 dated 26-10-33 requesting the Public Prosecutor, Shimoga, to appear for both the defendants in O.S.1/33-34 (Kasaravalli Nagappiah Vs. Government) on the file of the District Judge, Shimoga, and calling for a draft written statement to be filed in the case, I have the honor to forward herewith a copy of the written statement prepared by the Public Prosecutor and received with the Shimoga Deputy Commissioner's letter No.Muz.1.C.582/33-34 dated 24-4-34 (copy enclosed) and to request that approval of Government may kindly be obtained early to the statement and the same returned as the case is stated to be adjourned to

14th May 1934.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

Letter No.Muz.1.C.582/33-34 dated 24-4-34 from the Deputy Commissioner, Shimoga District, to the Muzrai Commissioner in Mysore.

In forwarding herewith a copy of the written statement to be filed in the Court of the District Judge, Shimoga in C.S.1/33-34 (Kasaravalli Nagappiah and another Vs. Government of Mysore and Deputy Commissioner, Shimoga) received from the Public Prosecutor, I have the honor to request that approval of Government in the Law Department may kindly be obtained to the statement early and returned as the same stands adjourned to 14th May 1934.

"COPY"

For Muzrai Commissioner.

(46

IN THE COURT OF THE DISTRICT JUDGE, SHIMOGA.

O.S. 1/33-34.

Plaintiffs.		Defendants.
1. Kasaravalli Nagappiah.	vs	1. Government of Mysore.
2. Kasaravalli Nagabhushana Rao.		2. Shimoga Deputy Commissioner.

2nd Defendant's written statement under O.S.R.I.C.P.C.

1. The assertions made in para 2 of the plaint that the plaint schedule lands bearing S.Nos. 9,12 and 27 of Alagevillage are the ancestral properties of the plaintiffs and that the plaintiffs are in possession and enjoyment of these owners from the time of their ancestors for nearly 200 years past are not true. The defendants deny that they were purchased by the plaintiffs ancestor viz., Venkatanarayana Bhatta bin Channakesava Bhatta from Gangadhariah, Subbiah and Visweswariah sons of Aswathiah under a sale deed dated ಶ್ರೀ ಆ೨೦.೬ ನ ೬೯ 1604 and that they have ever since continued to be in possession of the plaintiffs family in their own right and title. The defendants further asserts that even in the event of the existence of a sale deed executed by the said Gangadhariah in favour of Venkatanarayana Bhatta, the alleged ancestor of plaintiffs, the said sale deed does not affect the right title and interest of Sri Subrahmanya Devaru of Kasaravalli on the lands in question over which the defendants exercise control, as the said temple is a Muzrai institution endowed with Inam lands.

2. The allegations of para 3 of the plaint that the suit lands did not form the property of Sri Subrahmanya Devaru, that they were not in the enjoyment of the temple in any manner and that the Inam title deed disproves the title of the Diety or its temple to the same are untrue representations deliberately set up to lay a false claim to the temple funds.

3. Kasaravalli Sri Subrahmanya Devaru is endowed, among with two other Dieties, claim Inam lands covered by title deed Nos.

referred to the local authorities in persuance of the above G.O. and on the data furnished by the quit rent register, which specifically records the extent of each vrithi, both Devadaya and Brahmadaya, in the three survey Nos. and shows the share of the temple under reference as 6-18-4 (K K P) out of their total bijavari extent 22-18-12 (K K P), the Amildar of Tirthahalli taluk subdivided the two S.Nos. 12 and 9 whereby the temple share was fixed at 5 acres and 20 guntas of wet land as per details noted below:-

Maji S.No.	R.S.No.	Extent.	Temple share.	Brahmadaya.
27	15	0- 6	nil.	0- 6
12	34	10-23	2-34	7-29
9	31	9-24	2-26	6-38
		20-13	5-20	14-33

and he did not take into consideration survey number 27 in view of its small area, namely, 6 guntas and of an additional extent having been alloted to the institution in S.No. 9 only, in proportion to its share in the former survey number. But, as second plaintiff, took exception to the above said demarcation the matter was referred to the higher authorities. The Muzrai Commissioner, after notice to the plaintiffs and Puttamma, approved on 12-2-1932 the Amildars apportionment as correct and equitable and over ruled the Second plaintiff's contention. And finally the Government has confirmed the Muzrai Commissioner's order in G.O.No. 1607-09/Muz. 256-31-2 dated 30-4-1932/3-5-1932.

5. The plaintiffs are, thus, entitled to the whole S.No. 27 corresponding to R.S.No. 15 being Brahmadaya and to a portion of 7 acres and 29 guntas out of Maj.S.No. 12 corresponding to R.S.No. 34 and to a portion of 6 acres 38 guntas out of Maj.S.No. 9 corresponding to R.s.No. 31, thus, in all to an extent of 14 acres 33 guntas out of 20 acres 13 guntas which is the total extent of the three survey numbers in question and an area of 2 acres 34 guntas out of Maj.S.No. 12 and 2 acres 26 guntas out of Maj.S.No. 9 thus in all an area of 5 acres 20 guntas of the said two S.Nos. is Devadaya Inam belonging to Sri Subrahmanya Devaru

of Kasaravalli. The plaintiffs can ther fore lay no claim to the above said Devadaya portions of the two Inam lands S.Nos. 12 and 9 as they appertain to the Diety Sri Subrahmanya Devaru of Kasaravalli.

6. Moreover the plaintiffs are estopped from denying the title of the Diety to the above said portions of the two S.Nos. 9 and 12 and from asserting their right to the whole, in view of the second plaintiff's admission in his statement submitted to the Muzrai Commissioner on or about 19-11-1931.

7. The allegations in para 5 of the plaint that no inquiry was held by the Muzrai Department, that the plaintiffs have acquired a valid title by adverse possession and that the order of the Muzrai Department does not bind the plaintiffs as being invalid are untrue and untenable. An inquiry was held by the Muzrai Commissioner on account of the plaintiffs objection to the allocation of the Brahmadaya and Devadaya portions in the Survey Numbers in question and they were given opportunities to represent their case. Except, that the second plaintiff sent a written statement to the Muzrai Commissioner, they did not avail tehmselves of the opportunities and the latter passed an order based on the available official records and the Amildars bifurcation. And the said order of the Muzrai Commissioner has been duly confirmed by the Government in their order No. 1697-01/Muz. 356-31-2 dated 30-4-1932& 2-5-1932 and the plaintiffs are therefore estopped from challenging the validity of the order. Moreover as the plaintiffs ancestors were in possession of the temple land as vahivatdars no question of adverse possession arises at all and the plaintiffs are not entitled to claim the Diety's lands.

8. The allegations made in para 4 of the plaint refer to the lands comprised in the title deed No. 391/665, which do not comprise suit lands and it is not intelligible how they have any bearing on the question at issue in this suit.

(50

9. The civil courts have no jurisdiction to entertain this suit as it is barred by section 40 of Regulation VII of 1927, by section 3 of Regulation VII of 1923 and by Rules No. 21 of Rules framed for the guidance of the Inam Commissioner as the settlement of the Inam Commissioner can only be appealed against before the Government under Rule 22.

10. The court fee paid on the plaint is inadquate as the same should be paid on 15 times the net profits arising from the lands in dispute during the year prior to the institution of the suit on the market value of the lands under section 4, sub-section iv (c) read with sub-section V A clause (c) of the Mysore Court Fees Regulation.

11. There is no cause of action for this suit.

12. The plaintiffs are not entitled for any of the reliefs calaimed in the plaint.

Wherefore the defendants pray that the suit may be dismissed with costs.

Deputy Commissioner & Muzrai
Officer, Shimoga.

I, T.V.A. Isvaran, the Deputy Commissioner & Muzrai Officer of Shimoga District, do hereby declare that what is stated in the above paras is true to my knowledge and belief so far as the same are based on the available records and in token thereof, I have affixed by signature to this on this day the 21st April 1934.

Deputy Commissioner & Muzrai Officer
Shimoga District.

"Copy"

For Deputy Commissioner &
Muzrai Officer,
Shimoga District.

ks/1

(57)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat 4th May 1934.

No. PS089 Dated, Bangalore, ~~15th March 1934~~.

From The

General Secretary to the Government of His Highness the Maharaja of Mysore.

To The Public Prosecutor,
Shimoga Division,
Shimoga.

Sir,

O.S.1/33-34 on the file of the District Court, Shimoga (K. Nagappaiya Vs. Government)

With reference to your letter No.521 dated 19th April 1934 forwarding a draft written statement for approval, in the above case, I am directed to request that the Law File 140-32 relating to the notice issued prior to the suit and other Secretariat records sent with the Government Order No.P.1883-86/Law.30-33-6 dated 26th October 1933, may kindly be returned early for reference.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

psk

(52

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 30-33

Serial No.

No. P5089/—

To The Public Prosecutor Shimoga.

O.S. 1/33-34 on the file

of the Dy. Cr. Shimoga

(K. nagappaiya -- vs. Govt)

Sir,

With reference to

Your letter no. 521 dated 19.4.34

forwarding a draft written Statement

for approval in the above Case. I

am directed to request that the

Law file 140-32 relating to the

notice issued prior to the suit and

other Secretariat records sent with the

S.O. no. P. 1883-86 Law 30-33-6

dated 26-10-33, may kindly be returned

for reference and

I have e

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 5/5/34

Signed by M. Nanjundaiah

List of enclosures .....

Copied by 1 Rh 4/5

Examined by .....

WD 0677—GPB—15,000—8-11-33

ISO 3/5

3/5 For Govt Secy

6120/33 P (53)

WD 0551—GPB—2,00000—7-10-29

192

From The public prosecutor
Shimoga division
Shimoga

To

The General Secretary to
the Govt of Mysore,
Bangalore

Despatched 15/5/34.

Received

General No. 524
No.

Enclosure No. one file
Sent separately.

Sir

with reference to
your letter No. P.
5089/Law 30-33 dated
5th May 34 and the
subsequent reminder
No. P. S-175- D/10th May 34

O.S. 1/33-34 on the file of dist court, Shimoga (K. Nagappiah Vs Government)

57A

Re: the marginally noted case, I have the honour to forward by separate registered post the entire file of records sent with your letter No. P. 1883-86/Law 30-33-6 D/26-10-33 for reference and return when done with The case was for hearing yesterday for filing the defence and it stands adjourned to 9-6-1934 for the same purpose. The approved written Statement may be sent within the hearing date duly signed by the Chief Secretary.

I have the honour to be,
Sir,
your most obedient servant,

B. Krishna Rao
public prosecutor,
Shimoga

(54

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 30-33

Serial No. 10

Diary No. of letter replied to .....

No. 933.77/Sec I/Vol II & Records

To The P.P. Shimoga

O.S. 1/33-34 on the file re Dr. Judge. Shimoga (K. nagappaiya vs Govt)

General and Revenue Secretariat

( )

the *193* .

Date of issue 7/6/34

Signed by .....

Sir,

With reference to your letter no. nil d 15-5-34. I am directed ~~to~~ return herewith duly signed by the Chief Secretary, the written statements ~~to be filed~~ in the above case. The statement may be got signed ~~by Statement to be filed~~ by the ~~Secretary~~ Dr. Shimoga also as there is no need to file a separate statement on his behalf.

List of enclosures .....

Copied by ..... 6/6/34.

~~no. 466/33-34 d 2-6-34 is herewith~~ forwarded ~~duly~~ approved.

Examined by .....

The entire records
your letter are herewith returned

I have the

TSD 31/5

DDP 5/6 for Genl Secy.

No 33578. dt 7-6-34

Copy to the Mus. Comm

with reference to his letter no. 4468/3334

dt 2.5.34.

DDP
5/6

(95) (Mus 2-8-33 1933-34
Law 140-32-(1-3)
Mus 256-31 (1-8
M. 201-25-(1-10)

(56

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 55-77 Dated, Bangalore, 6th June 1934.

7

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Shimoga Division, Shimoga.

Sir,

O.S.1/33-34 on the file of the District Judge, Shimoga.
(K. Nagappaiya - VS- Government).

Sir,

With reference to your letter No.524 dated 15.5.1934, I am directed to return herewith duly signed by the Chief Secretary, the written statement in the above case. The statement may be got signed by the Deputy Commissioner, Shimoga also as there is no need to file a separate statement on his behalf.

The entire records sent with your letter are herewith returned.

I have the honour to be,

S i r,

Your most obedient servant,

Sd/- S. Abdul Wajid,
General Secretary to Government.

P.T.O.

(57)

Memo No. PS-S-78 Dated, 6th June 1934.

Copy of the foregoing is forwarded, with compliments, to the Muzrai Commissioner in Mysore, with reference to his letter No.448/33-34 dated 2.5.1934.

By Order,

For General Secretary to Government.

I&D

K.M.R.3/6.6.

(58

IN THE COURT OF THE DISTRICT JUDGE, SHIMOGA.

O.S. 1/33-34.

PLAINTIFFS.	DEFENDANTS.
1.Kasaravalli Nagappiah,	1. Government of Mysore.
2.Kasaravalli Nagabhushana Rao.	-VS- 2. Shimoga Deputy Commissioner.

The defendants' written statement under O.C.P.1. C.P.C.

1. The assertions made in para 2 of the plaint that the plaint schedule lands bearing S.Nos.9,12, and 27 of Alage village are the ancestral properties of the plaintiffs and that the plaintiffs are in possession and enjoyment of these as owners from the time of their ancestors for nearly 200 years past are not true. The defendants deny that they were purchased by the plaintiffs ancestor viz., Venkatanarayana Bhatta bin Channakesava Bhatta from Gangadhariah, Subbiah and Visweswariah sons of Aswathiah, under a sale deed dated ೧೭೨೬ನೆ 1604 and that they have ever since continued to be in posession of the plaintiffs family in their own right and title. The defendants further assert that even in the event of the existence of a sale deed executed by the said Gangadhariah in favour of Venkatanarayana Bhatta, the alleged ancestor of plaintiffs, the said sale deed does not affect the right, title and interest of Sri Subrahmanya Devaru of Kasaravalli in the lands in question, over which the defendants exercise control as the said temple is a Muzrai Institution endowed with Inam lands.

2. The allegations in para 3 of the plaint that the

(59

the suit lands did not form the property of Sri Subrahmanya Devaru, that they were not in the enjoyment of the temple in any manner and that the Inam title deed disproves the title of the Deity or its temple to the same are untrue representation deliberately set up to lay a false claim to the temple funds.

3. Kasaravalli Sri Subrahmanya Devaru is endowed along with two other Dieties, claim Inam lands covered by title deed Nos.391/665 and 392/666 in Alagere village. The Inam lands under title deed No.665 consist of samsrita lands, both Brahmadaya and Devadaya and they comprise 10 survey numbers including maji servey numbers 1 and 2. The Inam lands under the title deed No.666 also consist of samsrita lands both Brahmadaya and Devadaya, appertaining to 13 vrithidars of which Subrahmanya Devaru is one. These lands comprise Sur.numbers 27,12, and 9. The management of the temple vested for a long time in the family, to which the plaintiffs and Puttamma's husband Seshanna belonged and the samsrita lands of the Diety were being enjoyed by the vahivatdars in their dual capacity as owners with respect to Brahmadaya and as trustees on behalf of the temple with respect to the Devadaya. But, as there was mismanagement in the affairs of the temple, the management of this institution and of two others was assumed by Government as per order No.10-8-9/Muz.229-20-8 dated 12-7-1911 with their endowments, S.Nos.1 & 2 of Alagere village and a scale of income and expenditure for the Deity was sanctioned. Subsequently, Puttamma appealed to the Government for the restoration of the said S.Nos. and the Government has finally

finally in their order No.471-3/Muz.201-25-7 dated 31-9-27 directed the ascertainment of the temple's share in the two survey numbers and a separate Registry thereof. The Government further observed that the said temple was entitled to a share in all the three S.Nos.27,12, and 9 (old survey) included in one samsrita personal and Devadaya Inam as entered in quit Register and that in this case also the share belonging to the temple should be ascertained by necessary inquiry, resumed from the persons in present possession and seperately registered in favour of the temple. The Revenue Commissioner was requested to take steps with consultation with the survey superintendent to seperate the Devadaya and personal Inams and the Muzra Commissioner was requested to revise the scale in the light of its revised income according to this order.

4. The demarcation of the temple's share in the lands was referred to the local authorities in persuance of the above Government order and on the data furnished by the quit rent register, which specifically records the extent of each vrithi, both Devadaya and Brahmadaya in the three survey numbers and shows the share of the temple under reference as 6-18-4 out of their total bijavari extent 22-18-12, the Amildar of Tirthahalli Taluk subdivided the two S.Nos.12 and 9 whereby the temple share was fixed at 5 acres and 20 guntas of wet land as per details noted below and he did not take into

Maj.S.No.	R.S.No.	Extent. A. C.	Temple share	Brahmadeya.
	15	0- 6	nil	0-6
12	34	10-23	2-24	7-29
9	31	9-24	2-26	6-38
		20-13	5-20	14-33

into consideration survey number 27 in view of its small area, namely, 6 guntas and o an additional extent having been alloted to the institution in S.No.9 only, in proportion to its share in the former survey number. But, as second plaintiff, took exception to the above said demarcation, the matter was referred to the higher authorities. The Huzrai Commissioner, after notice to the plaintiffs and Pattumma, approved on 12.2.1932, the Amildars apportionment as correct and equitable and overruled the second plaintiff's contentions. And finally the Government has confirmed the Huzrai Commissioner's order in G.O.No.1607-09/Huz.256-31-2 dated 30-4-1932/3-5-1932.

5. The plaintiffs are, thus, entitled to the whole of S.No.27 corresponding to R.S.No.15 being Brahmadaya and to a portion of 7 acres and 29 guntas out of Maj. S.No.12 corresponding to R.S.No.34 and to a portion of 6 acres 38 guntas out of Maj.S.No.9 corresponding to R.S.No.31, thus, in all to an extent of 14 acres 33 guntas out of 20 acres 13 guntas which is the total extent of the three survey numbers in question and an area of 2 acres 34 guntas out of Maj.S.No.12 and 2 acres 26 guntas out of Maj.S.No.9 thus in all an area of 5 acres 20 guntas of the said two S.Nos. is Devadaya Inam

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Inam belonging to Sri Subrahmanya Devaru of Kasaravalli. The plaintiffs can therefore lay no claim to the above said Devadaya portions of the two Inam lands S.Nos.12 and 9 as they appertain to the Diety Sri Subrahmanya Devaru of Kasaravalli.

6. Moreover, the plaintiffs are estopped from denying the title of the Diety to the above said portions of the two S.Nos.9 and 12 and from asserting their right to the whole, in view of the second plaintiff's admission in his statement submitted to the Muzrai Commissioner on or about 19-11-1931.

7. The allegations in para 5 of the plaint, that no inquiry was held by the Muzrai Department, that the plaintiffs have acquired a valid title by adverse possession and that the order of the Muzrai Department does not bind the plaintiff as being invalid are untrue and untenable. An inquiry was held by the Muzrai Commissioner on account of the plaintiffs objection to the allocation of the Brahmadaya and Devadaya portions in the survey numbers in question and they were given opportunities to represent their case. Except, that the second plaintiff sent a written statement to the Muzrai Commissioner, they did not avail themselves of the opportunities and the latter passed an order based on the available official records and the Amildara bifurcation. And the said order of the Muzrai Commissioner has been duly confirmed by the Government in their order No.1607-01/Muz.256-31-2 dated 30-4-1932/2-5-1932 and the plaintiffs are therefore estopped from challenging the validity of the order.

Moreover as the plaintiffs ancestors were in possession of the temple land as vahivatdars no question of adverse possession arises at all and the plaintiffs are not entitled to claim the Diety's lands.

8. The allegations made in para 4 of the plaint refer to the lands comprised in the title deed No.391/665 which do not comprise suit lands and it is not intelligible how they have any bearing on the question at issue in this suit.

9. The civil courts have no jurisdiction to entertain this suit as it is barred by section 40 of Regulation VII of 1927, by section 3 of Regulation VII of 1923 and by Rules No.21 of the Rules framed for the guidance of the Inam Commissioner as the settlement of the Inam Commissioner can only be appealed against before the Government under Rule 22.

10. The court fee paid on the plaint is inadequate as the same should be paid on 15 times the net profits arising from the lands in dispute during the year prior to the institution of the suit on the market value of the lands under section 4, sub-section iv (c) read with sub-section V A Clause (c) of the Mysore Court Fees Regulation.

11. There is no cause of action for this suit.

12. The plaintiffs are not entitled for any of the reliefs claimed in the plaint.

Wherefore the defendants pray that the suit may

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may be dismissed with costs.

CHIEF SECRETARY TO THE GOVERNMENT OF MYSORE,
BANGALORE.

Deputy Commissioner, Shimoga.

We the defendants abovenamed do hereby declare that what is stated in the above paras is true to our knowledge and belief so far as the same are based on the availa le records and in token thereof we have affixed our signatures to this on dates noted.

CHIEF SECRETARY TO THE GOVERNMENT OF MYSORE,
BANGALORE.

DEPUTY COMMISSIONER, SHIMOGA.

3625 √3779 p 37.65

WD 0.251—GPB—35,000 11-9-37

193 Law 30-33-11

From

The Public Prosecutor.
Shimoga Division.
Shimoga.

To

The General Secretary to the
Government of Mysore.
Bangalore.

Dated 18-12-37

Despatched 22-12-37

Received

General No.

No. 568.

Enclosure No.

GENERAL SECRETARY.
23 DEC, 1937

Sir,

Subject:- O.S. No. 1/33-34.
(Kadaravalli Nagappaiah vs.
Government and another)
on the file of the District
Judge, Shimoga.

I have the honour
to state that the above
suit is dismissed as
against the Government
with costs but it is
decreed as against
District Muzrai officer
with costs. I have
applied for a copy of

Submitted for perusal. Copy
of judgment will be awaited
27/12/37
DNR
27.12.37

For B (31 F 1-38)
28/12/37

(16)

of Investment and it will be sent soon after it is received.

I have the honour to be
Sir,
Your most obedient Servant.

M. Nanjappa 27/12
Public Prosecutor
Shimoga Division

4840 P83 167
03254—GPB—35,000—11-9-36

193

From

The Public Prosecutor,
Shimoga Division,
Shimoga.

To

The General Secretary to the
Government of Mysore,
Bangalore.

Dated 14-2-38

Despatched 14-2-38

Received

General No.

No. 735.

Enclosure No.

GENERAL SECRETARY.
16 FEB. 1938
BNR

Sir,

Subject:- O.S.No. 1/1933-34.
[Kasaravalli Nagappaiah vs.
Government of Mysore and
another] on the file of the
District Court, Shimoga.

In Continuation of my
progress report No. 568 dated
22-12-1937 informing the result
of the above case, I have the
honour to state that I have
forwarded the copy of Judge-
ment and Decree and all the
connected Records to the
Deputy Commissioner, Shimoga
District, Shimoga vide my
office No. 733 dated 12-2-38
with

(16

with any opinion to file an appeal before the Hon'ble
Court against the Judgement and Decree of the District
Judge

I have the honour to be
Sir,
Your most obedient Servant
Nirmal 14/2
Public Prosecutor.
Shimoga Division

4973 237 39

M. C. 13]
No. C.4H8/33-34.
Encl 1 + a Bet files of Record

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 21st February *1938.*

O. Acc 30-33-12

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore.

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of His Highness the Maharaja of Mysore,
General *Department.*

GENERAL SECRETARY.
22 FEB. 1938

SIR,

O.S.1/33-34 on the file of the District Judge, Shimoga. (Kesaravalli Nagappiah Vs. Government and The District Muzrai Officer, Shimoga.)

Flag J

Adeverting to G.O.No.P.1883-86/Law 30-33-6 dated 26-10-1933, sanctioning the defence of the above suit, on behalf of both the defendants, I have the honor to state that suit was dismissed with costs as against Government and decreed as against the District Muzrai Officer with costs. The Deputy Commissioner, Shimoga, who was consulted in the matter of taking the case in appeal, states in his letter No.Muz.Suit 2/35-36 dated16-2-1938, that the Public Prosecutor has opined, in the circumstances detailed in his letter No.733 dated 12-2-1938 (copy enclosed), that it is a fit case to file an appeal, as there are several ~~agreeable~~ disputable points; and has requested that necessary action may be taken to file an appeal.

Flag I

2. I request that the matter may kindly be got examined in the Law Section and orders of Government obtained to engage the services of the Government Advocate, in case Government agree to the filing of an appeal. The expenses of the suit will be met from the funds of the institution.

3. Certified copies of Judgment and Decree, copies of depositions of witnesses and the several exhibits filed in the case,

as also the marginally noted Secretariat files and this office file

No.201-25 | are sent herewith, for reference.
" 256-31 |
" 140-32 |
" R.Dis.133/31-32 |

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

Letter No.733 dated 12-2-38 from the Public Prosecutor, Shimoga Division Shimoga, to the Deputy Commissioner, Shimoga District.

Subject:- O.S.No.1/1933-34 (Kasaravalli Nagappiah and another Vs. Government and another) on the file of the District Judge. Shimoga.

(7)

In continuation of my letters No.570 dated 22-12-37 intimating that the result of the above case, I have the honor to forward herewith the copy of Judgment and decree obtained in the said case, for your kind perusal; and to state that it seems to me to be a fit case for filing an appeal against the decision of the District Judge on behalf of the District Muzrai Officer, to the High Court, on the following among other grounds.

1. The learned Judge is wrong in decreeing suit against the District Muzrai Officer while dismissing the same against the Government inasmuch as th suit is for the cancellation of the Government Order and not that of the District Muzrai Officer.

2. That the learned Judge erred in holding that the temple has its entire share of Jarimanya as well as Chormanya localised in Kowlani Thundu Naji number 5 which subsequently became S.Nos.1 and 2.

3. The learned Judge is wrong in holding that it is clear from Ex M. Vahivatdar's statement that the temple has its entire share only in Kowlani Thundu and not in the suit land and the learned Judge is wrong in depending upon this document to come to this conclusion.

4. It is clear from Ex. N. and Ex.VIII that the temple has lands both in S.Nos. 1 and 2 and in plaint schedule lands S.Nos.9-12-27. Whatever the extent of land that the temple may have in S.Nos. 1 and 2, it is clear from these records that the temple has also lands in S.Nos.9-12-27. Ex.IX Quit Rent Register clearly shows the extent of land that the temple owns in these survey numbers.

5. At the time of Inam Settlement, a separate grant seems to have been made, as per Ex.N and the temple seems to own lands under this grant also, and therefore, the learned Judge is wrong in going beyond the Inam Settlement in coming to the conclusion that the temple owned lands only in Kowlani Thundu and not in other S.Nos.

6. That the learned Judge is wrong in holding that Vahivatdars were enjoying their shares separately and the guidance on this point is very meagre and not at all satisfactory.

7. That as the vahivatdars are enjoying the lands jointly, no question of adverse possession arises in this case.

172

8. That the plaintiffs have failed to prove that they are the owners of the entire suit lands. There is no evidence to show that suit lands are the ancestral lands of the plaintiff, as pleaded by them in their plaint.

9. The learned Judge is wrong in passing a decree against the District Muzrai Officer, without, at the same time, cancelling the Government Order; and there cannot be any decree against the District Muzrai Officer so long as the Government Order remains good.

10. The learned judge is wrong in coming to the conclusion that the orders passed by Government is not covered by S.Nos.9 and 10 of Regulation VII of 1927 and as such, the jurisdiction of Civil Courts is not barred.

11. The learned Judge is wrong in holding that the suit is maintainable as against the District Muzrai Officer while at the same time holding that it is not maintainable as against Government.

12. That the final orders passed in this case is that of the Government and the District Muzrai Officer is acting only under the said Government orders.

It is, no douht, true that it is stated in para 3 of written statement that the plaintiffs are in possession of the lands as vahivatdars of the temple along with Seshanna, husband of Puttamma, but this does not seem to be quite correct. It is seen from the records that Seshamma's husband's family people are the vahivatdars and there is nothing to show that plaintiffs were vahivatdars of the temple at any time. It is also seen from evidence that plaintiffs were not at all vahivatdars of the temple at any time and it is only Seshamma's husband's family people who seem to have been the vahivatdars of the temple.

The entire records along with copies of Judgment and Decree, depositions, exhibits etc., are herewith sent; and request that the same may kindly be acknowledged. The time for filing the appeal is 90 days from the date of judgment, of course, excluding the time taken for obtaining copy of Judgment and Decree.

"C O P Y"

M. N. Ramachar

For Muzrai Commissioner.

(73

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. PS964 Law 30-33-13
Genl. Records.

Bangalore, Dated, 28th April 1938.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,

Bangalore.

Sir,

Subject: Appeal against the judgment in O.S. No.1/33-34 on the file of the District Judge, Shimoga. (Kesarvalli Nagappiah vs. Govt. and others).

...

With reference to your letter No. C.448/33-34 dated 21st February 1938 on the above subject, I am directed to state that the Government are advised that this is not a fit case for filing an appeal.

The certified copies of judgment and depositions and the other records (with the exception of the three Secretariat files -Muz. file No.201-25, Sls.1-10, Muz. file No.256-31, Sls.1-5 and Law 140-32 Sls.1-3) are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

BKR

for General Secretary to Government.

R

174

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193 .

Date of issue 28-4-38

Signed by Mr. BKR

List of enclosures.....

Copied by .....

Examined by.....

Section Law

File No. 30-33

Serial No. 13

No. P5964/Revenue Records

To

The Musj: Commr

Subject:- Appeal against the decree judgment in O.S. No 1/33-34 on the file of the Dist. Judge, Shimoga (Kadarkalli Nagappiah vs Govt and others).

Sir,

With reference to your letter no C 4480/33-34, dated 21st Feb: '38 on the above subject, I am directed to state that the Govt are advised that this is not a fit case for filing an appeal.

The certified copies of judgment and depositions and the other records received

(with the exception of the three Secretariat files — Mus file No. 201 — 25 Sh 1-10, Mus file No. 256 — 31 Sh 1-5, and Law 140 — 32 Sh 1-3) returned are herewith returned

— — — — — I have etc. —

BKR

for Gen. Secy.

(76

In the Court of the District Judge Shimoga.

O.S. No 1/33-34

Pff - Kasaravally Narapparaj and another

vs

Deft - Govt of Mysore and others.

Issues -

1 Are plaintiffs in possession of the plaint Schedule lands as alleged by them? &c.

2 Is the Suit for mere declaration and injunction maintainable?

2. Are plaintiffs entitled to the Suit lands as alleged by them? & are they in possession of them as averred in the Plaint?

3 Was not the Amildar Competent to try the Suit? And is the Said division not valid?

4. Are the lands in dispute below the Tenable? were the ancestors of the plaintiff in possession of them as Vahivatdars Tenants?

5. Has this Court no jurisdiction to entertain this Suit for the reasons stated

in para 9 of the written Statement

6. Is the court fee paid sufficient

7. To what Relief ~~are~~ the plaintiff is entitled.

"Coby"

BKA
P.P

2 2 7 . .

E220 p.833

GPB

192 .

From The public prosecutor,
Shimoga Division,
Shimoga.

To The General Secretary to
the Govt of Mysore,
Bangalore.

Dated

Despatched 24/10/33.

Received

General No. 175
No.

Enclosure No.

SECRETARY,
26 OCT. 1933
Pro

DDY 26/10

Sir,

Subject:- O.S. 1/33-34 on the file of dist court, Shimoga.
(K. Nagappaiah & another
vs
1. Govt of Mysore
2. Shimoga D. C.)

I have the honour to State that the marginally noted case, which was for hearing to-day, has been adjourned to 4-12-1933 for filing the Vakalat and defence. The result of the next hearing will be intimated in due course.

I have the honour to be,
Sir,
your most obedient servant,

B. Krishna Rao
Public prosecutor,
Shimoga.

3080 P 33 78

GPB

192 .

From The public prosecutor,
Shimoga division,
Shimoga

To The General Secretary to
the Govt of Mysore,
Bangalore

Dated

Despatched 5/12/33.

Received

General No. 268.
No.

Enclosure No.

GEN'L SECTY
7 DEC. 1933
No. 268

Sir,

I have the honour to state that the marginally noted case which was for hearing yesterday, stands adjourned to 16-12-1933 for filing the vakalat and defence. The result of the next hearing will be intimated in due course

I have the honour to be,
Sir,
your most obedient Servant,

B. Krishna Rao
Public Prosecutor,
Shimoga.

O.S. 1/33-34 on the file of Dist Court, Shimoga.
(K. Nagappiah Vs Government)

Subt for perusal

3342
P 833

179

GPB

192 .

From The public prosecutor,
Shimoga Division
Shimoga.

To
The General Secretary
the Govt of Mysore
Bangalore

Dated

Despatched 18/12/33.

Received

General No. 295-
No.

Enclosure No.

GENERAL SECRETARIAT
19 DEC. 1933
No. 220

Sir,

I have the honour to state that in the marginally noted case I filed my power on behalf of the defendants 1 & 2 on 16-12-1933 and the case has been adjourned to 9-1-34 for filing the written statement. I will prepare the draft written statement during christmas Holidays and submit the same for approval.

I have the honour to be,
Sir,
your most obedient servant,

R. Krishna Rao
public prosecutor.

O. S. 1/33-34 on the file of dist court, Shimoga.
(K. Nagappiah vs 1. Govt
2. Shimoga D.C.)

Sub? for perusal

3845 / 33
P 80

192 .

From The public prosecutor,
Shimoga division,
Shimoga.

To The General Secretary to
the Government of
Mysore, Bangalore

Dated

Despatched 11/1/34.

Received

General No. 332
No.

Enclosure No.

Sir,

I have the honour to state that the marginally noted case which was for hearing on 9-1-1934 has been adjourned to 9-2-34 for defence

I have the honour to be,
Sir,
your most obedient servant,

B. Krishna. Rao
Public prosecutor,
Shimoga

GENERAL SECTARIAT
13 JAN 1934
No P&D

D.S. 1/33-34 on the file of
Dist Judge, Shimoga
(K. Nagappiah Vs- 1. Government
2. Shimoga Dt.)

PP 13/1/34

Sub°. for perusal
BD 15/1
PP 15/1

GP

4367/32
P.B.

WD 0551—GPB—2,00000—7-10-29

192 . (81)

From The public prosecutor,
Shimoga Division,
Shimoga.

To The General Secretary
to the Govt of Mysore
Bangalore.

Despatched 8/2/34.

Received

General No. 405-

No.

Enclosure No.

GENERAL SECRETARY
9 FEB. 1934
No.

Sir,

I have the honour to state that the marginally noted case which was for hearing on 5/2/34, has been adjourned to 2-3-34 for filing the defence

O.S. 1/33-34 on the file of Dist court, Shimoga.
(K. Nagappiah vs 1) Govt
2) Shimoga &c.)

Subs for perusal
Issue Dft w. St. may be entered

I will prepare the draft written statement and send it for approval in about a week's time

I have the honour to be,
Sir,
your most obedient servant,

B. [illegible] Rao
public prosecutor
Shimoga

been adjourned to 15-3-34 for filing the defence. The defence statement is being prepared and it is not yet completed. The same will be submitted for approval after completion.

I have the honour to be,
Sir,
your most obedient servant.

S. Krishna Rao
public prosecutor,
Shimoga.

4845/33
P

WD 0551—GPB—2,00000—7-10-29

192

From The public prosecutor,
Shimoga division.
Shimoga

To
The General Secretary to
the Govt of Mysore,
Bangalore.

Despatched 6/3/34.

Received

General No. 455-
No.

Enclosure No.

Sir,

I have the honour to state that the marginally noted case which was for hearing on 2-3-1934, has

GENERAL SECRETA...
7...
7.3.34

O.S. 1/33-34 on the file of Dist court, Shimoga.
K. Nagappiah Hsl. Govt
2. Shimoga D.C.

5142 P 33

WD 0551—GPB—2.00000—7/10/29

192

From The public prosecutor, Shimoga Division, Shimoga.

To

The General Secretary to the Govt of Mysore, Bangalore

Despatched 20/3/34

Received

General No. 487

No.

Enclosure No.

Sir,

I have the honour to state that the marginally noted case which was for hearing

O.S. 1/33-34 on the file of Dist Court, Shimoga (K. Nagappiah & 15 = (1) Government (2) Shimoga D.C.

on 15-3-34 for filing the defence stands adjourned to 31-3-34 for the same purpose. The draft written Statement is being prepared and is not yet completed on account of the Shimoga disturbance case. The same will be sent for approval after completion.

I have the honour to be,
Sir,
your most obedient servant,

B. Krishna Rao
Public Prosecutor,
Shimoga

3 9 34 From The Public Prosecutor
Shimoga Division
Shimoga.

GENERAL SECRETARIAT

To The General Secretary to
the Govt of Mysore,
Bangalore.

Dated

Despatched 7/8/34.

Received

General No. 42

No.

Enclosure No.

Sir,

I have the honour to state that in the marginally noted case which was for hearing yesterday

O.S. 1, 33-34 on the file of dist Court, Shimoga.
(K. Nagappiah Vs 1. Govt
2. Shimoga D.C.)

the case stands adjourned to
10/8/34 for draft issues. 87

I have the honour to be,
Sir,
your most obedient servant

B. Krishna Rao
Public Prosecutor,
Shimoga.

981
F 8'4
(88

WD 215—GBPM—58,000—15-8-33

19 .

From The public prosecutor
Shimoga Division,
Shimoga.

To The General Secretary to
the Govt of Mysore,
Bangalore.

Dated

Despatched 11/8/34

Received

General No. 51
No.

Enclosure No.

GENERAL SEC...
13 AU...
Dy 13/8

Sir,

I have the honour to state that the marginally noted case which was for hearing yesterday for draft-

O.S. 1/33-34 on the file of Addl. Judge, Shimoga
(1) Kasaravalli Nagappiah
Vs
1. Govt of Mysore
2. Shimoga D. C.

issues, stands adjourned to 18-8-34 as I could not prepare draft issues since I have been engaged in an important Sessions case before the Assistant Sessions Judge. The result of the next hearing will be intimated in due course. 169

I have the honour to be,
Sir,
your most obedient servant,

B. K[illegible] Rao
Public Prosecutor,
Shimoga.

F. 29642 / 35 — 90

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.

No. 128 Dis. Crl. Apl.
Enc.
GENERAL SECRETARIAT
22 NOV. 1934

Dated 16.11.1934.

FROM

The Public Prosecutor,
Shimoga Division,
Camp: Chikmagalur.

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore
Law Section, Bangalore.

SIR,

Subject: O.S. No 1 of 1934-35 -
(Kasaravalli Nayappaiah Vs (Govt of Mysore and
Deputy Commissioner Shimoga district) on the
file of the District Judge Shimoga.

I have the honor to state that the above case has been adjourned to 4/5 March 1935 on account of Kadur the Sessions Case No. 2 of 1934-35

I have the honor to be,
Sir,
Your most obedient servant,

B. Krishna Rao
Public Prosecutor.

WD 01551—GPB—900—5-5-32

5379/2 (3/4)

Progress Report for 1-3-35

No. 326

Enc. One

GENERAL SECTION
FROM
17 APR 35

OFFICE OF THE PUBLIC PROSECUTOR
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.

Dated 12-4-1935

The Public Prosecutor,
Shimoga Division,
Shimoga

To

The General Secretary to the Government
of His Highness the Maharaja of Mysore
Law Section Bangalore

Sir,

Subject :— O.S. No 1 of 1933-34.
(Kasaravalli Nagappaiah & another Vs Govt of Mysore)
on the file of the District Judge. Shimoga.

I have the honor to state that the above case has been adjourned to 8th July 1935 for Evidence as the A copy of the Order framed is herewith submitted.

I have the honor to be,
Sir,
Your most obedient servant,

B. Krishnamurthi
Public Prosecutor.

Subd for perusal
ISD
18/4.

WD 01551—GPB—900—5-5-32

F

1160 of 35
1 of 92

No. 55

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga Division,
DISTRICT OFFICE BUILDINGS.

Dated 17th Aug' 1935.

FROM

The Public Prosecutor
Shimoga Division,
Shimoga

GENERAL SECTION
21 AUG. 1935
Confl

TO,

The General Secretary to the Government of
His Highness The Maharaja of Mysore

SIR,

Subject:— 88 No 1 of 1933-34 (Kasapavally Nagappaiah & another Vs Government of Mysore & another) on the file of the District Judge, Shimoga.

I have the honor to state that the above case has been adjourned to 7th November 1935 as the witnesses were not present

I have the honor to be,
Sir,
Your most obedient servant,

B Krishnappa
Public Prosecutor.

WD 01551—GPB—900—5-5-32

F 2889 P 93

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.

No. 175

Enc.

Dated 7th November 1935.

8

FROM SECRETARIAL
11 NOV. 1935
[redacted]

The Public Prosecutor
Shimoga Division,
Shimoga.

To
The General Secretary to the Government
of His Highness the Maharaja of Mysore
Law Section Bangalore.

SIR,

Subject:— C.S No. 1/33-34 (Kasaravalli Nagappaiah & Government of Mysore and another) on the file of the District Judge, Shimoga.

I have the honor to state that the above case has been adjourned to 5th February 1936 for Evidence as the

This is to be given in the R.T. return.

1st 2/6.

Cyc 2/6

I have the honor to be,
Sir,
Your most obedient servant,

B. Krishna Rao
Public Prosecutor.

WD 01551—GPB—900—5-5-32

F

7-80/1935(14)

OFFICE OF THE PUBLIC PROSECUTOR,

No. 442

Enc.

...Shimoga.....DIVISION,

DISTRICT OFFICE BUILDINGS.

Dated 2nd June ..... 1936.

FROM

The Public Prosecutor,

.....Shimoga.....Division,

Shimoga

To

The General Secretary to the Govt of H.H. the Maharaja of Mysore, Bangalore.

GENERAL SECTION 24 JUNE 1936

SIR,

Subject :— O.S. No 1 of 1933-34 (K. Nagappaiah and another Vs Govt of Mysore) on the file of the District Judge, Shimoga.

I have the honor to state that the above case has been adjourned to ...8th July 1936 for Evidence.....as the Judge was engaged in Criminal Sessions

I have the honor to be,
Sir,
Your most obedient servant,

B. Krishna Rao

Public Prosecutor.

2-6-36

WD 01551—GPB—900—5-5-32

F'

743.9, 133. P83. 1/95

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.

No. 467

Enc.

Dated 2nd June 1936.

FROM

The Public Prosecutor,
Shimoga Division,
Shimoga.

SECRETARIAT
6 JUNE 1936

To The General Secretary to the Govt of Mysore, Law Section Bangalore.

SIR,

Subject :— O. S. No. 1 of 1933-84 (K. Nagappiah & another Vs Government of Mysore) on the file of the District Judge, Shimoga

I have the honor to state that the above case has been adjourned to 6th July 1936 for Evidence as the Judge is engaged in Criminal Circuit Sessions.

I have the honor to be,
Sir,
Your most obedient servant,

Sec 9/6/36

B. Krishna Rao
Public Prosecutor.
2.6.36

WD 01551—GPB—900—5-5-32

F

269 P 936 96

OFFICE OF THE PUBLIC PROSECUTOR

No. 17 ...Shimoga... DIVISION,

DISTRICT OFFICE BUILDINGS.

Enc.

Dated ...6th... July ..... 1936.

9th

FROM

The Public Prosecutor,

...Shimoga... Division,

.....Shimoga.....

GENERAL SECT. 11 JULY 1936 fwd

To

The General Secretary to the Government of Mysore, Law Section, Bangalore.

SIR,

Subject:—D.S. No 1 of 33-36 (K. Nagappaiah and another Vs Government) on the file of the District Judge, Shimoga.

I have the honor to state that the above case has been adjourned to 5th October 1936 for Evidence ..... as the.....

I have the honor to be,
Sir,
Your most obedient servant,

B. [illegible]

Public Prosecutor.

WD 01551—GPB—900—5-5-32

2554/36

No. 159

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.
Dated 5th October 1936.
20 K

FROM
The Public Prosecutor,
Shimoga Division,
Shimoga

GENERAL SECRETARIAT
23 OCT. 1936

To
The General Secretary to the Government
of Mysore, Law Section, Bangalore.

SIR,

Subject:— C.S. No. 1/33-36 (Kasaravalli Nofa-p/paiah & another Vs Government) on the file of the District Judge, Shimoga.

I have the honor to state that the above case has been adjourned to 5th November 1936 for Evidence as the Judge was engaged in Chikkadurg Sessions Case No. 3 of 36-37.

I have the honor to be,
Sir,
Your most obedient servant,

B. Krishna Rao
Public Prosecutor.

5
Noted
Subd for perusal.

31/10

31-10-36

2100—900—27-2-36

2861/P 1936 96

No. 210

Enc

OFFICE OF THE PUBLIC PROSECUTOR,
....Shimoga.... DIVISION,
DISTRICT OFFICE BUILDINGS.
Dated 5th November 1936.
9th

FROM

The Public Prosecutor,
.....Shimoga.....Division,

GENERAL SECRETARY
11 NOV. 1936

Law 30-33

.....Shimoga.....

To

The General Secretary to the Government of Mysore, Law Section, Bangalore.

SIR,

Subject:— O.S. No. 1 of 33-34 (Kasaravally Wajeepasab and another Vs. Government) on the file of the District Judge, Shimoga.

I have the honor to state that the above case has been adjourned to 10th December 1936 for Evidence for the

5
Noted
Subd for perusal.
16/11

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

16-10-36

16-11-36

MWD 02100—900—27-2-36

3489 936 99

No. 295

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.

Dated 10 12 December 1936.
11 12

FROM

The Public Prosecutor,
Shimoga Division,
Shimoga

GENERAL SECRETARY 12 DEC. 1936

To

The General Secretary to the Government of Mysore, Law Section, Bangalore

SIR,

Subject:— O.S. No. 1/1933-34 (Kasarovalli Nagappaiah vs. Government) on the file of the District Judge, Shimoga

I have the honor to state that the above case has been adjourned to 2-2-1936 for Evidence as the

6
Noted
Subd for perusal.

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 02100—900—27.2.36

4479/36

No. 1376

Enc:

GENERAL SECRETARIAT

3 - FEB. 1937

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.

Dated 2nd February 1937.

FROM

The Public Prosecutor,
Shimoga *Division,*
Shimoga.

BKR

To

The General Secretary to the Government of Mysore. Law Section, Bangalore.

SIR,

Subject:— O.S. No. 1/33-36 (Kasalavalli Nagappaiah and another Vs. Government) on the file of the District Judge, Shimoga

I have the honor to state that the above case has been adjourned to 22nd March 1937 for Evidence as the

noted

Subd for perusal

BKR 5.2.37

5/WD 02100—900—27.2.36

I have the honor to be,
Sir,
Your most obedient servant,

S. Krishna Rao
Public Prosecutor.

5-2-37

5548/236
P 101

No. 459

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
.....Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.

Dated 22nd March ..... *1937*.

GENERAL SECRETARIAT
23 MAR 1937

FROM

The Public Prosecutor,
.....Shimoga *Division,*
.....Shimoga

To

The General Secretary to the Government of Mysore. Law Section, Bangalore.

SIR,

Subject:— O.S. No. 1/33-34 (H. K. Nagappaiah vs. Government) on the file of the District Court. Shimoga.

I have the honor to state that the above case has been adjourned to 14th June 1937 for Evidence ..... as the.....

Noted
Submitted for perusal.
25/3
25.3

I have the honor to be,
Sir,
Your most obedient servant,

B. Venkatarao Rao
Public Prosecutor.

WD 02100—900—27-2-36

Sent
25-3-37

K067736

P 102

No. 563

Enc. —

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.

Dated. 14th June *193*7

15-6

FROM

The Public Prosecutor,
Shimoga Division,
Shimoga.

To

The General Secretary to the Government of Mysore, Law Section. Bangalore.

SIR,

Subject:— O.S. No. 1 of 1933-34 [Kabaravalli Nayappaiah Vs. Sovereignty] on the file of the District Court, Shimoga.

I have the honor to state that the above case has been adjourned to 14-7-1937 for Evidence as the case was not ready with a direction that both parties are to be ready.

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

GENERAL SECRETARY
16 JUNE 1937
Law

WD 02100—900—27.2.36

BNR 18/6 noted 5 Subd for perusal BNR 21/6

Gr C 22.6.37

√ 355 237 P 703

No. 88

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.

Dated 14th July 1937.
15th

FROM

The Public Prosecutor,
Shimoga Division,
Shimoga

GENERAL SECRETARY
16 JULY 1937

To

The General Secretary to the Government of Mysore, Law Section, Bangalore.

SIR.

Subject:— C.S. No. 1/33-6 (Kaderavalli Nagappachetty vs Government) on the file of the District Judge, Shimoga

I have the honor to state that the above case has been adjourned to 16.8.1937 for Evidence for want of time the

Noted
Subd for perusal.
17/7

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

17/7

WD 02100—900—27-2-36

1195/37 p. 37

104

No. 201

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.

Dated 16th Aug 1937.
18/8

FROM
The Public Prosecutor,
Shimoga Division,
Shimoga

GENERAL SECRETARIAT
19 AUG. 1937

To
The General Secretary to the Government of Mysore, Law Section, Bangalore.

SIR.

Subject:— O.S. No 1/38-36 (Kadaparalli Nagappa vs. Government) on the file of the District Judge, Shimoga

I have the honor to state that the above case has been adjourned to 13-9-37 for Evidence
the

Noted
Subd for perusal.
20/8

WD 02100—900—27.2.36

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

-1-224-37
P 837

No. 273.

Office of the Public Prosecutor
Shimoga, dated 13th Sept. 1937.
16th 1105

From

The Public Prosecutor
Shimoga Division
Shimoga.

To

The General Secretary to the Government
of Mysore, Bangalore.

GENERAL SECRETARY
15 SEP. 1937

Sir,

O.S. No. 1/33-34 (Kasaravalli Nagappaiah Vs. Government) on the file of the District Munsiff, Shimoga.

I have the honour to state that the above case has been adjourned to 8-11-1937 for Evidence.

I have the honour to be
Sir
Your most obedient servant.

Noted
Submitted for perusal.
15/9
16-9

Public Prosecutor
Shimoga Division.

Sec
16-9-37

F-172 1937
P 837

No 273.

Office of the Public Prosecutor
Shimoga, Dated 13th Sept. 1937.
14th

From

The Public Prosecutor
Shimoga Division
Shimoga.

To

The General Secretary to the Government
of Mysore, Bangalore.

GENERAL SECRETARY'S
15 SEP. 1937

Sir,

O.S. No. 1/33-34 (Kasaravalli Nagappaiah Vs. Sarkar Government) on the file of the District Munsiff, Shimoga.

I have the honour to state that the above case has been adjourned to 8-11-1937 for Evidence.

I have the honour to be
Sir
Your most obedient servant.

Public Prosecutor
Shimoga Division.

5
Noted
Submitted for perusal.
15/9
16-9
16-9-37

2914
P 637 106

OFFICE OF THE PUBLIC PROSECUTOR,
.....Shimoga..... DIVISION,
DISTRICT OFFICE BUILDINGS,

No. 439.

Enc.

Dated.....11.....11.....1937.

FROM

The Public Prosecutor,
.....Shimoga..... Division,
.....Shimoga

GENERAL SECRETARY
13 NOV. 1937

To *The General Secretary to the Govt. of H. H. the Maharaja of Mysore Bangalore*

SIR,

Subject :—

O.S. 1 of 33-34. Nafatha & another v. Govt. of Mysore & Dep. Com. Shimoga

I have the honour to state that the above case has been adjourned to *17.11.37 for evidence and* the *Arguments*

S. The case was adjourned from 8.11.37 to 9.11.37 & to 11.11.37 and from 11.11.37 to 17.11.37.

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 03485—GPB—900—30-8-37

Noted
Subd for perusal.
16/11/37
16.11

3052

107

OFFICE OF THE PUBLIC PROSECUTOR,
.....Shimoga..... DIVISION,
DISTRICT OFFICE BUILDINGS,
Dated.....12-11-.....1937.

No. 451.

Enc.

FROM

The Public Prosecutor,
.....Shimoga..... *Division,*

GENERAL SECRETARY
19 NOV. 1937

To The General Secretary to the Govt. of Mysore
Bangalore

SIR,

Subject :— O.S. 1/33-34 K. Nagathaiah & another vs. Govt. rep. by the Dist. Supdt., Shimoga.

I have the honour to state that the above case has been adjourned to 23/11/37 for arguments as the.....

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

Noted
Subd. for perusal.
19/11

19-11

WD 03485—GPB—900—30-8-37

19-11-37

✓ 320 & 37
P

108

OFFICE OF THE PUBLIC PROSECUTOR,
.....Shimoga..... DIVISION,
DISTRICT OFFICE BUILDINGS,
Dated. 23rd NOV. *1937*.
25th

No. 466

Enc.

FROM

The Public Prosecutor,
.....Shimoga..... *Division,*

GENERAL SECRETARIAT
26 NOV. 1937

To ..... Shimoga

The General Secretary to the Government of Mysore, Bangalore.

SIR,

Subject :— O S No. 1/3336 (Nagappaiah V.S. Government) on the file of the District Judge, Shimoga

I have the honour to state that the above case has been adjourned to 27-11-37 for arguments ..... as the

Send for perusal
29/11/37

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 03485—GPB—900—30-8-37

3283
P837

OFFICE OF THE PUBLIC PROSECUTOR, ...Shimoga... DIVISION,
DISTRICT OFFICE BUILDINGS,
Dated 27th Nov. 1937.
28th

No. 486.

Enc.

(This has to go to Lawyer Thapa)
GPA

GENERAL SEC
30 NOV. 1937

FROM

The Public Prosecutor,
...Shimoga... Division,
...Shimoga...

To

The Secretary to the Government of Mysore, Law Section, Bangalore.

SIR,

Subject :— OS No. 1/33-34 (Kasaravalli - Nayappa and VS. Government) on the file of the District Judge Shimoga

I have the honour to state that the above case has been adjourned to 6-12-37 for arguments as the .....

Noted
Submitted for perusal.
BKR
2.12

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 03485—GPB—900—30-8-37

2-12-37

F

√3507/37 p 37 110

OFFICE OF THE PUBLIC PROSECUTOR,

No. 5 21-7 Shimoga DIVISION,

DISTRICT OFFICE BUILDINGS.

Enc.

Dated 8th December 1937.

FROM The Public Prosecutor,

Shimoga Division,

Shimoga

GENERAL SECRETARY
10 DEC. 1937

To

The General Secretary to the Government of Mysore, Bangalore

SIR,

Subject :— Cr. Rev. 1/33-36 (Kadaravalli Nagappa-iah vs. Government of Mysore) on the file of the Dist. Judge, Shimoga

I have the honor to state that the above case has been adjourned to 13-12-1937 as the

Subd for perusal.

11-12

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

13-12-37

WD 01551—GPB—900—5-5-32

F

3505/37

112

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS.

No. 519.

Enc.

Dated 6th/9th *December* *1937*.

FROM

The Public Prosecutor,
Shimoga Division,
Shimoga

GENERAL SECRETARY.
10 DEC. 1937

To

The Special Secretary to the Government
for
of Mysore, Bangalore.

SIR,

Subject :— O.S. No. 1/33-34 (Kasaravalli Nayaka-iah vs. Government) on the file of the District Court, Shimoga.

I have the honor to state that the above case has been adjourned to 7-12-37 for Government for examination.

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 01551—GPB—900—5-5-32

F

3506 P 37 111

OFFICE OF THE PUBLIC PROSECUTOR,
.....Shimoga.....DIVISION,
DISTRICT OFFICE BUILDINGS.

No. 520

Enc.

Dated 7th 9th December 1937.

FROM

The Public Prosecutor,
.....Shimoga.....*Division,*
.....Shimoga.....

GENERAL SECRETARY. 10 DEC. 1937

To

The Special Secretary to the Government of Mysore, Bangalore.

SIR,

Subject :— C.S.W. 1/83.34 (Kadaravalli Nagappa-cah vs. Government) on the file of the District Court, Shimoga.

I have the honor to state that the above case has been adjourned to 8-12-37 for arguments for accused for charge.....

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 01551—GPB—900—5-5-32

3507 3625 1937

No. 553.

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
~~Shimoga~~ DIVISION,
DISTRICT OFFICE BUILDINGS,
Dated 13th December 1937.
14th

(113)

FROM

GENL SECRETARIAT
15 DEC. 1937

The Public Prosecutor,
~~Shimoga~~ *Division,*
Shimoga

To

The Secretary to the Government of
Mysore, Law Section, Bangalore.

SIR,

Subject :— O.S. No. 1/33-4 [Kasaravalli Nagappaiah and another Vs. Government] on the file of the District Judge, Shimoga

I have the honour to state that the above case has been ~~adjourned~~ reserved

~~to~~ for Judgement ~~on~~

~~the~~

Subd for perusal.
16.12

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.
13/12

WD 03455—GPB—900—30-3-37

Rec'd 16/12